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Council Proceedings

Official Report

Bengal Legislative Council

Forty-second Session, 1933

8th to 11th and 14th to 16th August, 1933

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir PROVASH CHUNDER MITTER, K.C.S.I., C.I.E., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, KT., of Dilduar, in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Sir WILLIAM PRENTICE, K.C.I.E., C.S.I., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.
7. Hazaribagh Reformatory School.

The Hon'ble Mr. J. A. WOODHEAD, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

MINISTERS.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, KT., in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

MR. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Forty-second Session.

*1. Mr. W. H. THOMPSON.

2. Babu JATINDRA NATH BASU.

3. Khan Bahadur MUHAMMAD ABDUL MOMIN.

4. Maharaja JAGADISH NATH RAY, of Dinajpur.

Secretary to the Council—J. W. McKAY, I.S.O.

Assistant Secretary to the Council—Mr. K. ALI AFZAL, Bar.-at-Law.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Ashworth, Mr. C. G. [Presidency and Burdwan (European).]

B

Baksh, Maulvi Shaikh Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Sahib Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banarji, Rai Bahadur Sailendra Nath. (Expert, Nominated.)
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bottomley, Mr. J. M. (Nominated Official.)
Bural, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chandhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)

D

Dain, Mr. G. R., C.I.E. (Bengal Chamber of Commerce.)
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Edgley, Mr. N. G. A. (Nominated Official.)
Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]
Fawcus, Mr. L. R. (Nominated Official.)
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Ferguson, Mr. R. H. [Rajshahi (European).]

G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, KT., of Dilduar (Member, Executive Council).

Gilchrist, Mr. R. N. (Nominated Official.)
Gladding, Mr. D. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gupta, Rai Bahadur Mahendra Nath. (Expert, Nominated.)

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hogg, Mr. G. P., C.I.E. (Nominated Official.)
Hooper, Mr. G. G. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Bahadur Maulvi Muazzam Ali. [Pabna (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
Kindersley, Mr. J. B. (Expert, Nominated.)

L

Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Lockhart, Mr. A. R. E. [Presidency and Burdwan (European).]

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]

*Deputy President, Bengal Legislative Council.

Mason, Mr. G. A. (Indian Jute Mills Association.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mitter, the Hon'ble Sir Provash Chunder, K.C.S.I., C.I.E. (Member, Executive Council.)
Mitter, Mr. S. C. (Nominated Official.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Reverend B. A. (Nominated Non-official.)
Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Nelson, Mr. W. H. (Nominated Official.)
Nicholl, Mr. C. K. (Indian Tea Association.)
Norton, Mr. H. R. (Calcutta Trades Association.)

P

Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, the Hon'ble Sir William, K.C.I.E., C.S.I. (Member, Executive Council.)

Q

Quasem, Maulvi Abul [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman,* Mr. A. F. M. Abdur-. [24-Parganas Rural (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Raikat,* Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Ross, Mr. J. B. (Indian Mining Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, the Hon'ble Sir Bijoy Prasad Singh, KT. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, Mr. S. N., C.I.E. (Nominated Official.)
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]

* President of the Bengal Legislative Council.

Sen, Mr. B. R. (Nominated Official.)
Sen, Rai Bahadur Giris Chandra. (Expert, Nominated.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas Municipal South (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders).
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]
Sumner, Mr. C. R. (Bengal Chamber of Commerce.)

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)

W

Walker, Mr. W. A. M. (Indian Jute Mills Association.)
Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
Woodhead, the Hon'ble Mr. J. A., C.I.E. (Member, Executive Council.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Forty-second Session.)

Volume XLII—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 8th August, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 104 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

(*1*) Mr. Donald Gladding.
(*2*) Mr. Satyendra Nath Roy (No. 1).
(*3*) Mr. Norman George Armstrong Edgley.
(*4*) Mr. John Meller Bottomley.
(*5*) Mr. Charles Cecil Miller.
(*6*) Mr. J. B. Ross.
(*7*) Mr. W. A. M. Walker.
(*8*) Mr. R. H. Ferguson.
(*9*) Mr. S. C. Mitter.
(*10*) Mr. W. H. Nelson.
(*11*) Mr. J. B. Kindersley.
(*12*) Rai Bahadur Mahendra Nath Gupta.
(*13*) Rai Bahadur Giris Chandra Sen.
(*14*) Mr. C. K. Nicholl.
(*15*) Mr. C. G. Ashworth.
(*16*) Rai Bahadur Shailendra Nath Banarji.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(*1*) Mr. W. H. Thompson.

(*2*) Babu Jatindra Nath Basu.

(*3*) Khan Bahadur Muhammad Abdul Momin.

(*4*) Maharaja Jagadish Nath Ray, of Dinajpur.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Obituary References.

Mr. PRESIDENT: Gentlemen of the Council, I have to convey to you the melancholy news of the deaths during the recess of the following ex-members of our Council, *viz.*, Sir Saiyid Muhammad Fakhr-ud-din, Mr. J. Ross and only recently of Mr. J. M. Sen Gupta.

(*1*) Sir Saiyid Muhammad Fakhr-ud-din who was a member in the old Bengal Legislative Council from 1909 to 1912 passed away on the 19th June last at the comparatively early age of 65. He commenced his career in the Bengal of those days and came into prominence owing to the stubborn resistance he offered to the passage of the Orissa Tenancy Bill. His death is widely mourned in this country, and is a great loss to our sister province of Bihar and Orissa where he held high offices for many years. We mourn, with that province, the loss of a great Muhammadan leader.

(*2*) Mr. J. Ross who was a member of this Council from February, 1932, died in Scotland on the 18th July last. He was only 49 at the time of his death. We all remember that he took a keen interest in the proceedings of this House and was a regular member of the European Group. He resigned his membership due to ill-health and went home in April last. He was the Senior Resident Director of Messrs. Duncan Bros. of this city. He was also on the Committee of the Indian Tea Association, and represented that constituency in this

Council. He once served as the Chairman of the Indian Tea Cess Committee. His untimely death is a loss to us all and to the European community of this great city in particular.

Lastly, gentlemen, it is my mournful duty to give expression to the poignant grief which Mr. Sen Gupta's sad and premature death has evoked throughout India. He was born in 1885 and was the illustrious son of an illustrious father, the late Mr. Jatra Mohan Sen Gupta, one of the grand old men of Bengal. It was soon apparent that the mantle of his worthy sire had fallen on him and he was destined to play a conspicuous part in the political history of his country. Possessing as he undoubtedly did, a magnetic personality, richly endowed with a large fund of imagination and gifted with great intellectual ability, he was pre-eminently fit to be a leader of men. His forensic gifts, on the other hand, ranked him with the most eloquent, persuasive and forceful public speakers of his time. An unrelenting fighter, he often made those who did not see eye to eye with him think that his oratory, like a violent stream rushing down a steep or precipice, was much too swift and cutting; but, many, whose opinion count, and who had opportunities to study him from close quarters with equanimity, believed that like a river, when it ceased to dash and splash against the stones in its torrent course down the mountain side, his oratory would show its real depth and benevolent potentiality as it settled down in its calm and fertilising course and became broader, as, freighted with responsibility it approached the ocean. They sincerely believed that when the call came to serve his motherland in the difficult and constructive work that lies ahead of us, he would be one of those at the helm helping to guide the fair barque of a united, happy and prosperous Bengal to the safe anchorage of self-government. We all know that he would have brought to this work that power and capability for which he was justly noted. But alas! that was not to be, and we must bow our heads in submission to the will of an inscrutable Providence who has chosen to cut down in the prime of his life this giant Bengali—a fine specimen of his great race—a nature's gentleman, who could be a warm friend even with those who disagreed with him. God knows best.

It will, I am sure, be the wish of the Council that an expression of deep sympathy and of appreciation of the public work of our late colleagues should be sent to their relatives.

I will ask members to signify their assent by rising in their places.

(Pause.)

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will take the usual steps.

STARRED QUESTIONS

(to which oral answers were given)

Katakhali khal re-excavation project.

*1. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the revised estimate prepared by the Irrigation Department in connection with the project for the re-excavation of the Katakhali khal in the southern section of the district of the 24-Parganas, the waterlogged area between the Diamond Harbour Road and the Hooghly river to the north of Falta Road up to near Bishnupore, amount to Rs. 4,32,261 only?

(*b*) Is it a fact that no further survey for the above is necessary?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) whether the scheme has been taken under the Bengal Agricultural and Sanitary Act, 1920, or the Embankment Act of 1882;

(*ii*) what action, if any, is being taken by the Government to finance the scheme; and

(*iii*) when the work of the scheme is likely to commence?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim Ghuznavi, of Dilduar): (*a*) No. The original estimate prepared by the Irrigation Department amounted to Rs. 4,32,261. No revised estimate has been prepared.

(*b*) No.

(*c*) (*i*) The scheme has not been taken up.

(*ii*) and (*iii*) The scheme is one which could be taken up under the Bengal Agricultural and Sanitary Improvement Act of 1920 or the Embankment Act of 1882, and it is for the parties interested to move the Collector.

Mr. P. BANERJI: Is the Hon'ble Member aware that the Collector was approached in 1929-30 and that he referred the matter to the Irrigation Department?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I have no information.

Mr. P. BANERJI: Is the Hon'ble Member aware that a certain amount of money was deposited with the Collector of the 24-Parganas by the people of the locality?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am not aware.

Mr. P. BANERJI: Is the Hon'ble Member in a position to contradict me when I say that in 1930 when a similar question was put, the Government replied that the money which was deposited with the Collector was not sufficient for undertaking a scheme?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am afraid I have nothing to add to my answer.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to say what stands in the way of taking the scheme under the Canals Act instead of under the Bengal Agricultural and Sanitary Improvement Act of 1930 when these canals are borne on the roll of the Irrigation Department?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: The answer will be clear from (*ii*) and (*iii*) where I have said that what the parties interested should do is to move the Collector. This is the view of the Irrigation Department.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether Government will have to meet the entire expenditure if the scheme is taken up under the Embankment Act?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: That is a matter to be considered. I cannot give an answer offhand.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state how the estimate of Rs. 4,32,261 was arrived at? Was it for a scheme under the Embankment Act?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: That was the cost which was estimated by the department irrespective of the Act under which it will operate.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether that estimate was taken by Government at their own initiative or on the application made by the members of the public to the Collector?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I cannot answer offhand. I must have notice.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether the amount which is now lying with the Collector is sufficient for the purpose of taking up the work?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I have already said that I am not aware that any money was lying with the Collector.

Srichanda khal.

*2. **Mr. P. BANERJI:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) whether the silt clearance work of the Srichanda khal has since been completed;

(*ii*) the number of culverts or bridges which exist over the Srichanda khal from Rajarhat to Srichanda;

(*iii*) whether any one of them belongs to the Kalighat-Falta Railway;

(*iv*) what are the exact heights of the inverts of all these culverts or bridges from the bed of the khal;

(*v*) whether these inverts create any obstruction to the flowing stream of the khal and to the water-transport, either during flow-tide or ebb-tide; and

(*vi*) what is the estimated cost for remodelling these culverts or bridges (including the Shirakhole culvert on Diamond Harbour Road) with no inverts?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: (*i*) Yes.

(*ii*) There are ten bridges over the khal between Rajarhat and Srichanda, of which seven are bamboo bridges.

(*iii*) One bridge belongs to the Kalighat-Falta Railway.

(*iv*) Only one bridge has an invert which is one foot above the bed of the khal.

(*v*) This invert creates no obstruction to the flow in the khal or to water-transport.

(*vi*) No estimate has been prepared as no remodelling is necessary.

Mr. P. BANERJI: Has the Hon'ble Member any personal knowledge as to this invert?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: No.

Mr. P. BANERJI: Will he then say what is the source of the information that this invert creates no obstruction to the flow?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: The information supplied by the department.

Honorary Sheriffs.

*3. **Mr. S. M. BOSE:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) what progress has been made in the proposal to appoint Honorary Sheriffs in Calcutta as in Bombay and Madras;

(*ii*) when a final decision on the matter is expected to be made;

(*iii*) whether it is proposed to appoint a lawyer as a whole-time Deputy Sheriff;

(*iv*) whether there is sufficient work for such a whole-time officer or any necessity for such appointment at all; and

(*v*) whether it has been considered that the work of the Sheriff's Department cannot be economically run as part of the office of the Original Side of the High Court, under the supervision of the Master as ex-officio Deputy Sheriff?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir William Prentice): (*i*) A scheme for appointing an Honorary Sheriff and taking over of the office as part of the establishment of the Original Side of the High Court is at present under examination.

(*ii*) The final decision rests with the Government of India. The proposals of this Government are likely to be ready in the near future and will be sent to the Government of India after the High Court has been consulted.

(*iii*), (*iv*) and (*v*) These matters are at present under consideration.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to give us an idea of the time by which the Bengal Government proposals are likely to be ready for submission to the Government of India?

The Hon'ble Sir WILLIAM PRENTICE: In the near future.

Jute tax.

*4. **Mr. S. M. BOSE:** With reference to the suggestion of Mr. S. M. Bose in his speech on the White Paper on the 1st April last, to the effect that the whole or proper share of the jute tax should be allocated to Bengal from now by suitable amendment of the Devolution Rules, instead of waiting for the new constitution, will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*i*) whether the Government have taken up or will take up the above suggestion for examination and adoption; and

(*ii*) what steps are the Government taking to get allocated without delay to Bengal the jute tax admitted as due to Bengal in paragraph 137 of the White Paper?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*i*) and (*ii*) Government have taken no action on the lines indicated in the question. At present they await the report of the Joint Select Committee.

Official Assignee.

*5. **Mr. S. M. BOSE:** With reference to the motion moved by Mr. S. M. Bose on the 21st March last on the demand for grant of Rs. 1,28,600 for the High Court, and Mr. Henderson's reply thereto, will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) what progress has been made regarding the proposal accepted by Government to make the Official Assignee a permanent Government servant on a fixed pay;

(*ii*) when the necessary legislation proposed will be taken up, and whether in the Central or the Provincial Legislature;

(*iii*) whether the accounts of the unclaimed dividend fund and the unclaimed dividend revenue account fund have been examined by the Accountant-General; and

(*iv*) whether any sum from any of the above funds has been, or is likely to be, transferred to Government, and if so, the probable amount thereof?

The Hon'ble Sir WILLIAM PRENTICE: (*i*) The Government of India have accepted the proposals of the Local Government for fixing the remuneration of the post of the Official Assignee and the scheme will be put into operation as soon as the requisite legislation has been effected.

(*ii*) This question will be decided as soon as the proposals of the High Court have been received regarding the nature of the necessary legislation.

(*iii*) Yes.

(*iv*) No such sum has yet been transferred to Government and, before the scheme is finally put into operation, it is not possible to estimate the amount of any such sum which may be transferred.

Concession rates for conveyance of bulls, cows, etc., by railways to Bengal.

*6. **Babu KISHORI MOHAN CHAUDHURI:** With reference to the reply to clause (*b*) of unstarred question No. 74 of the 28th March, 1933, will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state what action has been taken on the question of moving the Railway Board to grant concession rates for conveyance of bulls, cows and calves of good breed for the improvement of Bengal cattle?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): The question is now under consideration.

Motor Vehicle Tax.

*7. **Maulvi ABDUS SAMAD:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what amount has been collected in each district of Bengal on account of the licence fee imposed on motor vehicles during the last year and the current year;

(*ii*) how the Government propose to distribute the amount among the district boards and municipalities; and

(*iii*) what amount the district board of Murshidabad has got or will get and when?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*i*) A statement of the figures for the Motor Vehicle Tax for last year is laid on the table. No information is available for the current year as yet.

(*ii*) Orders have already issued. A copy of circular Nos. 4306-4310L.S.-G., dated the 29th July, 1933, is laid on the Library table.

(*iii*) The total allotment to the district board is Rs. 10,624 of which Rs. 6,600 are covered by the orders already issued.

Statement referred to in the reply to clause (i) of starred question No. 7.

Districts.		Net collection.
		Rs.
Bakarganj	...	3,408
Bankura	...	12,617
Birbhum	...	5,424
Bogra	...	2,829
Burdwan	...	45,211
Chittagong	...	12,347
Dacca	...	18,466
Darjeeling	...	28,435
Dinajpur	...	2,684
Faridpur	...	3,652
Hooghly	...	34,901
Howrah	...	14,506
Jalpaiguri	...	34,771
Jessore	...	8,231
Khulna	...	3,826
Malda	...	2,669
Midnapore	...	25,049
Murshidabad	...	5,832
Mymensingh	...	6,768
Nadia	...	6,056
Noakhali	...	3,552
Pabna	...	4,018
Rajshahi	...	8,427
Rangpur	...	6,258
Tippera	...	4,567
24-Parganas	...	71,756
Total	...	3,76,260

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state the amount received in Calcutta during the last year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state why the entire amount has not been paid to the district board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The fact is that there is no budget provision for the full amount and either a supplementary demand will have to be made or it will have to be met by reappropriation.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a statutory obligation on the part of Government to give the entire amount to the district boards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes; Government are going to pay it.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to give us the amount of allotment made to the District Board of Dacca?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Its total share would be Rs. 23,525.

Appointment by the High Court to the Judicial Branch of the Provincial Civil Service.

*8. **Mr. S. M. BOSE:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the Government propose to deprive the High Court of its power of appointment to the Judicial Branch of the Provincial Civil Service under the amended Civil Courts Act;

(*ii*) whether the Hon'ble Judges of the High Court have been consulted in this matter;

(*iii*) whether the said Judges have approved the proposal;

(*iv*) whether the various public bodies in Bengal have been or will be consulted about this proposal;

(*v*) whether the Government are aware of a very considerable volume of public opinion against the proposal;

(*vi*) whether the system now in vogue has been found to be unsatisfactory, and if so, in what respects;

(*vii*) whether the objection to the present system is that the appointments are made by a body (the High Court) which is not subordinate to the local Government;

(*viii*) whether the Government proposal deals with the original power of appointment to the provincial judiciary, as well as the subsequent power of control; and

(*ix*) whether any body, except the Government, has raised the constitutional objection that provincial autonomy should go along with the power of selection by the Provincial Government, and if so, the name of such body or bodies, and the date of objection being raised?

The Hon'ble Sir WILLIAM PRENTICE: The member is referred to the speech of Hon'ble Member, Judicial, on this subject in the Legislative Council on 21st March, 1933, reported at pages 407-409 of volume XLI, No. 2, of the Legislative Council proceedings, in which the situation regarding the subject matter of this question was explained.

Motor buses on Falta and Diamond Harbour routes.

***9. Mr. S. M. BOSE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the number of licensed motor buses plying at present along the Behala-Falta and the Behala-Diamond Harbour routes?

(*b*) Is the Hon'ble Member aware that there are railways to Falta and Diamond Harbour?

(*c*) Are the Government considering the desirability of reducing the number of the said buses?

(*d*) Are these buses occasionally inspected or checked by the police regarding over-crowding and cleanliness?

(*e*) Is there any prescribed rate of fare?

(*f*) If the answer to (*e*) is in the negative, are the Government considering the desirability of taking up the general question of fixing a minimum rate for buses?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) 46.

(*b*) Yes.

(*c*) No.

(*d*) Yes.

(*e*) No, but Governuent are informed that the bus-owners have settled rates.

(*f*) No.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether Government are entitled to interfere into the rates of motor vehicles?

The Hon'ble Sir WILLIAM PRENTICE: I must ask for notice. I do not think we can fix rates.

Defects of the disposed of records of Noakhali civil courts.

***10. Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government are aware that the District Judge of Noakhali has initiated a thorough inquiry into the defects of the disposed of records of Noakhali civil courts?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the number of records examined and number of defect reports submitted till June, 1933?

(*c*) Will the Hon'ble Member be pleased to state the amount of money covered by those defect reports?

The Hon'ble Sir WILLIAM PRENTICE: (*a*) Yes.

(*b*) and (*c*) The High Court, at the request of the local Government, have deputed a munsif to inquire into this matter. The inquiry began on the 10th July, 1933, and information regarding the number of records examined and the defects found therein is not yet available.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether Government propose to initiate such inquiries in other districts as well?

The Hon'ble Sir WILLIAM PRENTICE: I think there is a scheme for checking the stamps on records which is under the consideration of another department.

Maulvi SYED MAJID BAKSH: What is the nature of the defect which entailed a loss of money?

The Hon'ble Sir WILLIAM PRENTICE: The fees specified by various Acts and Rules and Orders have not yet been realised.

Nilphamari subdivision.

*11. **Maulvi HASSAN ALI:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government contemplate abolishing the subdivision of Nilphamari in the Rangpur district and to annex the northern and southern portions of the subdivision to the Jalpaiguri and Dinajpur districts respectively?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir William Prentice): The member is referred to the reply given to question No. 103 in the last session of this Council. The position remains as stated therein.

Calcutta Corporation.

*12. **Nawab MUSHARRUF HOSAIN, Khan Bahadur:** (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to the result of the election to the Calcutta Corporation held after the amendment of the Calcutta Municipal Act, withdrawing separate electorate for the Mussalmans?

(*b*) Do the Government contemplate further amendment of the Act in view of that result?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) No.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Minister be pleased to state whether it is the intention of Government to leave the Act as it is, in spite of the recent decision of the High Court?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have nothing to add.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is the Hon'ble Minister aware that there is dissatisfaction in certain sections of the citizens of Calcutta about the existence of the joint electorate in the elective system?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No such feeling has yet been manifested to Government.

Khan Bahadur Maulvi AZIZUL HAQUE: Has the attention of the Hon'ble Minister been drawn to the judgment of the High Court annulling a recent election?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, it appeared in newspapers.

Khan Bahadur Maulvi AZIZUL HAQUE: Does the Hon'ble Minister contemplate taking any action in the light of that judgment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether the judgment of the High Court is supreme or his own decision?

Mr. PRESIDENT: I am afraid I cannot allow that question.

Introduction of Provident Fund in the Bengal Government Press.

*13. **Rai Bahadur GOKUL CHAND BURAL:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware—

(*i*) that the introduction of the system of Provident Fund in the Bengal Government Press was recommended so far back as 1926 by the Bengal Piece-workers' Committee;

(*ii*) that the Hon'ble Mr. Marr, the then Finance Member with the Bengal Government, on different occasions promised to introduce the Provident Fund system in the Bengal Government Press as soon as such a scheme was approved by the Secretary of State for India and introduced in the Government of India Press, Calcutta; and

(*iii*) that the Provident Fund system has been introduced in the Government of India Press, Calcutta, since 1930 after due approval by the Secretary of State?

(*b*) Is it a fact that when the Secretary, Press Employees' Association, Calcutta, a registered and recognised body, placed the matter before the Hon'ble Finance Member on the 12th April, 1932, the Hon'ble Finance Member was pleased to promise an early inquiry?

(*c*) Is it a fact that the Provident Fund system has not yet been introduced in the Bengal Government Press?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the reasons for not introducing the Provident Fund system in the Bengal Government Press up till now; and

(*ii*) whether the Government intend introducing it in the said Press? If so, when?

The Hon'ble Mr. J. A. WOODHEAD: (*a*), (*b*) and (*c*) Yes.

(*d*) (*i*) and (*ii*) Government have decided to institute a contributory Provident Fund for the piece-workers of the Bengal Government Press with effect from the 1st April, 1934.

Dum Dum Special Jail.

***14. Maulvi HASSAN ALI:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state with regard to Dum Dum Special Jail—

(*i*) whether hospital patients and healthy prisoners (divisions I and II) are to use the same matresses in the Dum Dum Special Jail;

(*ii*) whether it is a fact that used warm coats without proper washing have been issued to I and II division prisoners this year;

(*iii*) whether it is a fact that letters received by some civil disobedience prisoners in the year 1930-31 were found intact in the pockets of the coats issued;

(*iv*) whether it is a fact that used napkins and blankets were issued to prisoners without properly washing them;

(*v*) whether it is a fact that letters handed by the prisoners over to the jail office for despatch are delayed for a long time and those addressed to the prisoners are also delayed long before delivery to the addressees;

(*vi*) whether it is a fact that in the Dum Dum Special Jail between the interviewers and the interviewed two wire-nets are made now to intervene and that lady interviewers are greatly inconvenienced owing to this arrangement;

(*vii*) is not this practice against the Jail Code Rules; and

(*viii*) whether it is a fact that season vegetables are not duly supplied to prisoners and only two or three varieties of vegetables, including potatoes, are supplied?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) and (*ii*) No.

(*iii*) No information to this effect has been received by the Jail authorities.

(*iv*) No.

(*v*) No case of undue delay has come to the notice of Government. The Jail authorities have reported that no undue delay takes place.

(*vi*) Two layers of wire-netting intervene between the prisoners and their interviewers. There should not be any reasonable ground for inconvenience by this arrangement.

(*vii*) and (*viii*) No.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state how far apart these wire-nettings are?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Constitution of a separate union board at Tarkeshwar.

1. **Maulvi AZIZUR RAHMAN:** (*a*) With reference to the answer given to a supplementary question to unstarred question No. 90 on the 31st March, 1933, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether he has received any representation in connection with the constitution of a separate union board with wide powers at Tarkeshwar from the local people of Tarkeshwar?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when the scheme for the same is likely to be taken in hand by Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes. A representation was received on the 19th July, 1933.

(*b*) No decision on the representation has yet been reached.

MUNINDRA DEB RAI MAHASAI: With reference to (*b*) will the Hon'ble Minister be pleased to state when is the Government likely to arrive at a decision in this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government will have to consult local officers. They cannot come to a decision without consulting them.

Retrenchment Committee's Report.

2. **Rai Bahadur SATISH CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether any, and if so, what, action the Government have taken upon the Retrenchment Committee's Report?

(*b*) Is any further action contemplated?

(*c*) What savings have been effected from the steps so taken?

The Hon'ble Mr. J. A. WOODHEAD: (*a*), (*b*) and (*c*) Members of the Council will be supplied during the current session with a statement showing the decisions reached by Government on the recommendations of the Retrenchment Committee and the financial effect of those decisions.

Ministerial appointments in the Civil Courts of Hooghly.

3. **Babu NAGENDRA NARAYAN RAY:** With reference to the statement in answer to starred question No. 5 of the 20th February, 1933, will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the non-matric ministerial officer referred to in (*ii*) is a son of the sister to the present District Judge's sheristadar of Hooghly; and

(*ii*) whether at the time of this appointment any matriculate was available; and

(*iii*) whether the Government are considering the desirability of instituting an inquiry to ascertain if any better qualified candidates from any other castes were available at the time of the appointments referred to in the statement?

The Hon'ble Sir WILLIAM PRENTICE: (*i*) Yes.

(*ii*) No record has been kept of the candidates who were available at the time.

(*iii*) No.

Bhairab scheme No. II.

4. **Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) what has been the effect, if any, of the cut made between the Mathabhanga and the Nabaganga;

(*ii*) whether any water has passed through the cut; and

(*iii*) if so, how much quantity has so passed?

(*b*) Are the Government considering the desirability of putting into operation Bhairab scheme No. II as passed by this Council earlier in near future in the light of the experience gained by the new cut?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: (*a*) (*i*) A flow has been established in the cut which is flushing the river Nabaganga. A considerable quantity of water-hyacinth has been moved on and is floating down.

(*ii*) Yes.

(*iii*) At the rate of 250 cubic feet per second.

(*b*) The Bhairab scheme No. II is a complicated and expensive project under the Bengal Agricultural and Sanitary Improvement Act, VI of 1920. It is held in abeyance at present, and is not likely to be undertaken in the near future. A cheaper and simpler scheme known as the "Joynagar cut" to connect the Mathabhanga and Kobadak rivers is now under the consideration of Government.

Maulvi SYED MAJID BAKSH: With reference to (*a*) (*i*) is the Hon'ble Member aware that water-hyacinth is really checking the flow of the water?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am not aware of that, and if the hon'ble member will kindly hold his soul in patience, he will know in course of the session how the problem of water-hyacinth is being dealt with.

Khan Bahadur Maulvi AZIZUL HAQUE: In connection with the Joynagar cut scheme, will the Hon'ble Member be pleased to state whether the local bodies concerned participated in making contributions towards the scheme?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Yes, Government looked at it with great sympathy.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that the Joynagar cut scheme will not improve the Bhairab as the bed of the Kapatakshi is lower than that of Bhairab?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am afraid opinions differ.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that the bed of the Kapatakshi is lower than the bed of the Bhairab and will carry away all the water?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am not prepared to discuss all these intricate problems of engineering in this Council Chamber.

Khan Bahadur Maulvi AZIZUL HAQUE: (This question was inaudible at the reporters' table.)

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar. When it comes up before Government, they will give it due consideration.

Sluice gate at Jhikargacha.

5. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that there is a canal between the Bookbhara *baor* and the river Kapotakshi at Jhikargacha with a sluice gate?

(*b*) Is it a fact that the sluice gate by order of Government is to remain open during the rainy season?

(*c*) Is the Hon'ble Member aware of the fact that the effect of the sluice being closed during the rainy season would be to submerge the surrounding villages and to destroy the crops of thousands of acres of land?

(*d*) Is the Hon'ble Member also aware—

(*i*) that the local fishermen have closed this sluice gate in order to catch fish from the *baor*;

(*ii*) that the local officers have taken no action in the matter;

(*iii*) that as a result of that, crops and habitations of thousands of people are in danger of being destroyed; and

(*iv*) that a petition to that effect has been filed before the District Magistrate of Jessore?

(*e*) If the answer to (*d*) (*iv*) is in the affirmative, what is the result?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: (*a*) Yes.

(*b*) The sluice is operated in accordance with the rules approved by Government, which have been designed to meet the requirements of cultivation in the area concerned.

(*c*) Yes.

(*d*) (*i*) and (*ii*) No.

(*iii*) No. The rainfall in the area to be drained has been above normal this year. The rate of drainage has been reduced by the construction of a road by the Halsa union board. The local officers have taken all possible action in the matter. There has been no damage to crops or property.

(*iv*) Yes; a petition was submitted to the District Magistrate on the 4th July, 1933, but action for drainage was taken on the 26th June, 1933.

(*e*) See reply to question (*d*) (*iv*).

Population of Tarkeshwar and adjoining villages.

6. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the present population of village Tarkeshwar in the district of Hooghly with adjoining villages, if there are any, within a radius of 3 miles of thana Tarkeshwar with their respective names; and

(*ii*) the number of inhabitants (Hindus and Muhammadans) living within a radius of 3 miles of thana Tarkeshwar?

(*b*) Is it a fact that three-fourths of the population consist of merchants, service-holders and labourers?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the approximate number of the agriculturists living there?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim Ghuznavi, of Dilduar): (*a*) (*i*) A statement is laid on the table.

(*ii*) The information asked for is not available and could not be obtained without a laborious inquiry which the Government regret they are not prepared to undertake.

(*b*) As far as Government are aware, it is not a fact.

(*c*) Does not arise.

Statement referred to in the reply to unstarred question No. 6 (a) (i), showing the population of village Tarkeshwar and adjoining villages within a radius of 3 miles of thana Tarkeshwar.

VILLAGES FALLING WITHIN THANA TARKESHWAR.

No. of village according to jurisdiction list.	Name of village.	Total population.
1.	Muluk Chanderpur or Sontoshpur	1,139
2.	Nashipur (Part)	540
3.	Mohanbati (Part)	287
6.	Kultighari (Part)	533
7.	Tulan	416
8.	Shibpur	164
9.	Teghari	665
10.	Chandpur	950
11.	Jote Binod	136
12.	Gauribati	378
13.	Nanapara	263
14.	Jaynabad or Ketera	565
15.	Talpur (Part)	1,468
18.	Makrar	544
19.	Ramnarayanpur	618
20.	Bishnubati	549
21.	Gayeshpur	266
22.	Gura	398
23.	Bhata	395
24.	Shahpur	835
25.	Tarkeshwar (Hauli)	526
26.	Bhanjipur	1,157
27.	Dhannan	252
28.	Bishnupur (Part 2)	Uninhabited.
29.	Saitesh	168
30.	Mirzapur	681
31.	Bahdurpur or Baidyapur	300
32.	Bajitpur	168
33.	Basudebpur	146
34.	Jote Shamash	2,399
35.	Bhimpur	428
36.	Aligari	114
37.	Tukreparah	100
38.	Ramnagar	1,686
39.	Togra	445
40.	Bamanpura (Part)	263
41.	Abdalpur (Part)	43
47.	Ekdalu (Part)	135
48.	Jagajibanpur	246
49.	Aktarah (Part)	1,456
50.	Muktarpur (Part)	1,251
96.	Pratiharpur or Parelpur (Part)	325
99.	Jaynagar (Part)	644
101.	Kanaipur (Part)	167
105.	Bagbari (Part)	341
106.	Jayrampur or Madpur (Part)	709
107.	Nazipur Patti	163
108.	Kasba Uzirpur or Balgari	892
109.	Khadbag	Uninhabited.
110.	Ballabhipur Patti	85
111.	Jote Daulatpur	32
112.	Monoharpur	94
113.	Jaykrishnapur or Aknapur	470
114.	Bharamalpur (Part)	Uninhabited.
[illegible]	[illegible]	409
	Total	27,403

VILLAGES FALLING WITHIN THANA DHANIAKHALI AND WITHIN A RADIUS OF 3 MILES OF THANA TARKESHWAR.

No. of village according to jurisdiction list.	Name of village.	Name of union board.	Total population.
131.	Kumrul (Part)	Gopinathpur	759
132.	Jiarah	Ditto	600
133.	Narayanpur	Ditto	900
134.	Kotalpur (Part)	Ditto	266
135.	Chak Madan (Part)	Ditto	126
136.	Essapur (Part)	Ditto	864
138.	Sankhnarah (Part 2)	Parambua-Shabazar	27
139.	Barna	Ditto	422
140.	Chautara	Ditto	691
141.	Jagarnathpur (Part 2)	Ditto and also J. L. No. 143.	233
142.	Parambo (Part 2)	Ditto and also J. L. No. 148.	572
143.	Jagarnathpur	Parambua-Shabazar	Added with J. L. No. 141.
144.	Bishnupur	Ditto	608
145.	Abhirampur	Ditto	94
146.	Parbatipur or Sundarpur	Ditto	Uninhabited.
147.	Gobindapur	Ditto	178
148.	Parambo	Ditto	Added with J. L. No. 142.
149.	Gopalpur	Ditto	64
150.	Rautpur	Ditto	145
151.	Sankhnarah	Ditto	Added with J. L. No. 138.
152.	Deorah (Part)	Ditto	339
153.	Beguna (Part)	Ditto	84
168.	Nityanandabati or Sarampara (Part).	Bhanderhati	119
169.	Mirpur	Ditto	Uninhabited.
170.	Chandpur (Part)	Ditto	456
		Total	7,557
	Total for villages in thana Tarkeshwar		27,403
		Grand Total	34,960

N. B.—The population of parts of villages is not known. The figures shown against parts of villages, therefore, represent total population.

MUNINDRA DEB RAI MAHASAI: With reference to (*b*) will the Hon'ble Member be pleased to state the source of his information in this respect? Is it based upon the last Census Report?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: It has been obtained from the Collector.

Savings recommended by the Retrenchment Committee.

7. **Mr. A. F. M. ABDUR-RAHMAN:** Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*i*) the total savings recommended by the Bengal Retrenchment Committee, 1932;

(*ii*) the total amount of retrenchment effected by the Government up to date; and

(*iii*) whether the Government contemplate effecting further retrenchments on the lines of the Retrenchment Committee's report?

The Hon'ble Mr. J. A. WOODHEAD: (*i*) The information will be found in paragraph 8 and the appendix of the Report of the Bengal Retrenchment Committee, 1932.

(*ii*) Members of the Council will be supplied during the current session with a statement showing the decisions reached by Government on the recommendations of the Retrenchment Committee and the financial effect of those decisions.

(*iii*) Yes.

Babu AMULYADHAN RAY: On a point of order, Sir. I want to know from the Chair, Sir, whether I shall be in order to discuss the evidence given by Sir Nripendra Nath Sarkar before the Joint Select Committee and whether his activities are being directed against the interests of the depressed classes——

Mr. PRESIDENT: Order, order. Probably, you are trying to pick up fragments of the resolution on this question which I disallowed. I will not trust my memory, but if I remember aright I disallowed a special motion of yours on this subject. Am I right?

Babu AMULYADHAN RAY: Yes, Sir.

Mr. PRESIDENT: You may resume your seat and we may now get on with the resolutions.

Babu AMULYADHAN RAY: What about my point of order, Sir?

Mr. PRESIDENT: That is not a point of order. I heard you quite patiently, and I found that there was no essence or substance in what you said? It was only an attempt on your part to raise a question which you failed to raise in this House by legitimate means.

NON-OFFICIAL MEMBERS' BUSINESS

RESOLUTIONS

(on matters of general public interest).

Resolution regarding Unemployment Problem.

Mr. ANANDA MOHAN PODDAR: I beg to move that this Council recommends to the Government the immediate appointment of a committee consisting of the following persons, with powers to co-opt experts, to inquire into the miserable condition of the educated youths of Bengal owing to the unemployment problem and to devise means as to how the situation can be properly dealt with:—

(*1*) The Hon'ble Minister for Agriculture and Industries;

(*2*) The Hon'ble Minister for Education;

(*3*) Sir P. C. Ray, KT.;

(*4*) Rai Bahadur Satyendra Kumar Das, M.L.C.;

(*5*) Khan Bahadur Maulvi Azizul Haque, M.L.C.;

(*6*) Mr. E. T. McCluskie, M.L.C.;

(*7*) Mr. N. K. Basu, M.L.C.;

(*8*) Munindra Deb Rai Mahasai, M.L.C.;

(*9*) Mr. K. C. Ray Chowdhury, M.L.C.;

(*10*) Babu Jitendralal Bannerjee, M.L.C.;

(*11*) Rai Bahadur Keshab Chandra Banerji, M.L.C.;

(*12*) Mr. Syamaprosad Mookerjee, M.L.C.;

(*13*) Mr. J. N. Gupta, C.I.E., M.B.E., M.L.C.;

(*14*) Maulvi Tamizuddin Khan, M.L.C.; and

(*15*) the mover.

Sir, the question of unemployment is a matter of vital importance to us the people of Bengal. There is hardly a middle class family in the province in which some of its educated young men are not passing their days in idleness and cursing their lot in utter disappointment. You

can easily imagine the feelings of these young men who after completing their careers in Universities, among whom you will find many of the finest intellects, full of high hopes and sunny aspirations, going from door to door with applications in their hands simply to meet with rebuffs and disappointment.

Sir, the two Universities of Bengal are annually turning out at least 5,000 graduates. In usual course they read up to the B.A. or M.A. standard in the bright hope of entering into a successful career in life; but after graduation they find that there is no prospect for them, and they rush into the Law Colleges. The number of undergraduates and matriculates is many times that of the graduates. Their pitiable condition may be better imagined than described.

Sir, it is estimated that there are about 10,000 graduates sitting idle only in Calcutta and the number in the *mufassal* must be innumerable. This literary education, though good in itself, has failed to solve the bread problem of the people. The middle class people who are so much enamoured of the literary education are faced to-day with acute poverty. This is due to our paying more attention to the literary education of our boys. This education has made us a nation of clerks, school-masters and pleaders. These are the three occupations open to them after they leave the University. The Calcutta Univesrity was established in 1857 and during this period of 75 years not a single Industrial, Commercial or Agricultural College has been started under its ægis. The Dacca University, which is comparatively a new creation, also has engaged its attention to the literary education alone. This University which was started more for the benefit of our Muhammadan brethren is again turning out hundreds of Muhammadan graduates whose main ambition in life seems to be to fight for the loaves and fishes of Government offices. Had the Government instead of squandering away the poor tax-payers' money in this wild goose chase, in palatial buildings and splendid halls, opened Industrial and Agricultural Institutes and trained even Muhammadan Industrial or Commercial experts, the outlook of the country would have totally changed.

Sir, the time has come when we should cry halt, and pause for a moment to save our young men, our future hopes of the nation, from this ruinous career. Literary education may wait, but we can no longer allow our young hopefuls to rot in chill penury.

Sir, the middle class forms the backbone of the Bengalee nation; it is the brain and energy of the province—the fountain head of all its idealism and aspiration—and any factor telling upon its vitality is disastrous. Thus unemployment among middle class implies an enormous waste of precious qualities. Again, the very existence of an immense section of the population who want work and are willing to work but cannot get work must put a terrible strain upon the very foundation of society and expose it to disruption. The distress and

discontent to millions bound up with unemployment has in itself the germs of civil strife and revolt. It is for this reason that economists and statesmen of every country have been making frantic efforts to save the situation. And mass insurance schemes, old age pensions and doles to the unemployed are some of the expedients invented by statesmanship in Western countries to relieve the intensity of the problem.

Sir, before proceeding further, we should try to get some idea about the causes of unemployment.

Among the fundamental causes of unemployment in India, the most important is the disintegration of the old economic and social order brought about by the impact of the Industrial Revolution from the West. Till about the middle of the 19th century the economy of Indian life was fairly self-contained. The foodstuffs grown were adequate for the population; and skilled artisans and craftsmen, working in their own village homes and unhampered by the competition of cheaper imports of foreign goods, supplied most of the peoples' requirements, and earned a decent livelihood. But the opening of the Suez Canal and the development of ocean steamship transport, almost simultaneously with the development of machinery, mechanical power and manufacturing industries in Europe wrought a revolutionary change in Indian conditions towards the third quarter of the last century.

The almost inevitable result of the influx of Western machine-made goods was the displacement of Indian hand-made products. A large number of Indian artisans who could not stand up to the new rivalry of cheap foreign manufactures were thrown out of employment!

But the situation in India in regard to unemployment is different from what it is in Western countries. The troubles of the latter countries are due to having reached, and in most cases, exceeded, the saturation point of demand for industrial products in the home market. But we have hardly yet touched even the fringe of our potentiality for industrial demand and supply. Not even a beginning has been made here in the establishment of what may be called auxiliary industries. Our economy is still more self-sufficient than that of others. To a preponderating extent, our agriculturists grow their own food, and are dependent upon outside sources only for certain other necessaries of life. And even here, their wants are so few and so far postponable, that world influences and events do not affect them so intensely as they do the industrial labourers in Western countries. In this respect our problem is easier to solve.

Again, some of the most important aspects of the problem of unemployment in this province can be traced to our system of land tenure. Permanent settlement bestowed upon the land-owning class a fixity, safety and dignity, and with rising prices made it so much more profitable that the ownership of land became, for Bengalees, a career of the most absorbing interest. This led the land-owning class

naturally to neglect other forms of economic activity, like trade and industry. Even those engaged in trade and other commercial activities have invested their surplus income in land-owning. This has been the case with a large number of intermediate interests between the *zemindar* and the *raiyat*, and it has damped the spirit of commercial enterprise among the Bengalees. The result has been that enterprising foreigners and men from other provinces have been quick to take advantage of the opportunity and have extended their commercial and industrial activities here. Not only has a large number of industries in Bengal been established by foreigners and enterprising immigrants to the exclusion of the people of the province, but also in respect of the labour force engaged in them, they constitute a very poor proportion of the total strength. In other directions also the scope for the employment of the people of the province is gradually narrowed down. In the city of Calcutta alone hundreds of shop-keepers and their assistants, plumbers and taxi-drivers, durwans and bearers will be found to have been drifted from other provinces.

Not only has this deprived the young men of Bengal of the means of decent livelihood, the Bengalee, in addition, finds himself shut out from certain branches of public services in his own province, preference being given to the people from other provinces. The Army is virtually closed to the Bengalee and the constabulary force is almost entirely recruited from other provinces. I do not find any justification for keeping the ranks of the Army closed to the Bengalee young men. In the Punjab, recruitment of the people of the province to the Army, on a considerable scale, has given substantial relief to unemployment. There is no reason why the young men of Bengal should not do as well in the Army as they have done in several other departments of life. The same is the case with constabulary also. Immediate relief can be given by opening up these services to the young men of Bengal.

Sir, unemployment among the middle classes has been accentuated and the distress intensified for the reason that ordinary avenues to which they had traditionally looked for employment have shrunk as a result of the present economic depression. With the heavy fall in prices, the profits of commercial and industrial enterprises have been seriously reduced and many of them have actually been faced with considerable loss. The Government services which our middle classes used largely to look up to for employment, as well as the services under the Railways, quasi-public bodies, like Port Trusts, Improvement Trusts, etc., and the Municipal Corporations have ceased to expand in scope on account of the deterioration of their respective revenue position. The result has been that whereas the supply of educated middle class young men coming out of schools and colleges has continued to flow into the employment market, the demand for their services has not shown any sign of expansion.

Another factor is the movement of other classes into avenues of employment that have hitherto been considered as the safe and natural preserves of the middle classes. At present agricultural and industrial enterprises have naturally reacted unfavourably also upon the higher professional classes like lawyers, doctors, etc., who depend so largely upon the economic prosperity of the country. They have been hit hard on account of the continued slump in prices of agricultural products.

Sir, it is well known that about 94 *per cent.* of our people live in rural areas and the rest in towns. The education we give to our boys compel them to seek employment in towns. If you advertise for a post worth Rs. 30 a month, hundreds of our young graduates will rush forward to secure the job. This state of things should be stopped at once. We should organise the country on a scientific basis. We should impart technical education to our boys, so that they may turn out agricultural and industrial experts and at the same time we should start agricultural farms and industrial organisations so that they may live content among their own kith and kin. To-day we allow our jute, cotton, hide and other raw materials to be exported to foreign lands where they are turned into finish commodities. Then we again buy them up, at 100 *per cent.* profit to the foreigners. If we can train our young men to produce finished commodities in the shape of cottage industries in our own villages, then only the situation may be changed; it is then that our young men will get employment and at the same time the economic condition of our country will be improved.

Any programme for the eradication of unemployment in India must provide for a plan of more intensive development of agriculture. Agriculture is admitted to be a specious and fruitful channel of occupation. Agricultural development alone, however, cannot furnish a complete solution of the unemployment problem, and herein lies the necessity for industrial expansion. It is necessary that all industrial expansion should be based on and be regulated by a preconceived scheme carefully designed so as to reduce unemployment.

The industries which we aim at developing will follow the lines of modern scientific methods and would work, not so much to compete with any of the existing indigenous industries as to displace imports from our markets. There are a few industries, like salt, sugar and paper, in regard to which industrialisation will not even signify a recovery of the lost ground, but the breaking of virgin soil, with vast potentialities for employment.

Nobody can deny that if handspinning and handweaving be patronised, a vast portion of our countrymen can get ample work to keep their body and soul together. The establishment of an organisation for the marketing of these products on co-operative lines would not

only provide employment to our young men, but it is sure to improve the economic condition of our villagers. Take for instance, again, the case of salt manufacturing. A large quantity of salt is at present manufactured on cottage industry lines in the Sunderbans. If this particular industry be organised on a commercial scale, that is, if the produced salt be collected, stored and transported to consuming markets that may give employment to a large number of our educated young men. Similarly, sugar manufacturing also may be organised. If sugar manufacturing centres are opened, that will not only absorb a large number of unemployed youths but will also contribute immensely to improve the economic condition of the province. None can deny the possibilities of the jute trade. Jute is a world monopoly of Bengal. It is in one sense the pivot of all trade, since without jute, transportation of goods, which is a fundamental basis of trade, cannot be effected, in spite of the attempts that are constantly being made to find substitutes to take the place of jute as the container of commodities. And yet, in spite of this world monopoly, the people of the province have derived precious little of the commensurate financial advantage. A scheme may be devised for organising the whole of the jute trade of Bengal in such a manner that its prime values are equitably distributed among producers, eliminating the operations of speculative middlemen. Such an organisation, if started, would at once provide outlets for valuable service in the economic sphere to quite an army of Bengalees.

I would also request the Government to open a register of unemployed qualified young men and to make periodical census records of such young men. It is unofficially estimated that the number of qualified unemployed young men in Bengal would not be less than two millions. This figure should be tested and the extent of the malady ascertained at an early date.

Sir, these are days of discontent and unrest. The political horizon of India is overcast with clouds of a very threatening nature. The political movement is drawing its life vigor from the discontent of the people. Thousands of men and women and children in different provinces of India are to-day demonstrating their discontent by courting arrest and entering jail.

Then, there is the menace of terrorism. It is eating into the vitals of our society and tarnishing the fair name of Bengal. Whatever may be the philosophy of the anarchists, there is no denying the fact that they draw their recruits from amongst the unemployed youths of Bengal. To solve the problem of unemployment is thus to remove one of the deep-seated causes of the growth of terrorism from the body politic.

The Bengal Government, however, have begun to devote of late some attention to the question; and I do not underestimate the efforts that

are being made. But it can hardly be denied that, not being inspired by a thorough understanding of the magnitude and implication of the problem, the efforts of the Government, such as they are, are likely to yield no more than very limited results to the people of the province. This is indeed rather unfortunate, because in view of the proportion to which unemployment has grown, it is hardly possible to solve it without State action. But State action of a really helpful kind is still far remote. The duties of the Government may be described in the words of Sir Valentine Chirol, who said: "We are bound, as trustees of the people of India, to promote Indian trade and industry by all the means in our power, and we are equally bound to help to open up new fields of activity for the young Indians whom our educational system has diverted from the old paths, and who no longer find for their rapidly increasing number any sufficient outlet in the public services and liberal professions which originally absorbed them."

Sir, we find in other lands to-day a sincere attempt on the part of the Government to tackle the problem of unemployment in a practical way. We are sorry we cannot pay similar compliments to our administrators here on this account. I am not, however, slow to recognise the efforts made by our Minister in charge of the Agriculture and Industries Department, the Hon'ble Nawab K. G. M. Faroqui, in this behalf. But I must say that the success achieved by him so far is like a drop in the ocean. However, he deserves our hearty congratulations for his sincere move in the matter.

Sir, the problem to-day is a problem of life and death to us, the Bengalees. I would humbly request the Government to bestir themselves and proceed in a businesslike way to tackle the problem. I propose for this reason the appointment of a representative committee and to gather expert opinion as to the real cause of this situation and to devise means as to how this can be promptly and properly solved.

Mr. P. N. GUHA: I have every sympathy with the resolution that has been moved by my friend Mr. Ananda Mohan Poddar. You are aware, Sir, that I have been thrashing out this particular problem for a number of years in another sphere of my activity. I quite feel as my friend Mr. Poddar does, that a lot of evil of Bengal can be removed if the problem of unemployment is solved but I am afraid that the solution is not so easy as is supposed by many. Every country in the civilised world is confronted with this particular problem and the Government everywhere has been doing its utmost to solve the problem of unemployment. The condition of our country very largely differs from the condition of the countries in the West and careful observation of the situation in Bengal has convinced me that the Government alone will never be able to do much in this direction. The people must help themselves.

Sir, Mr. Poddar has laid the blame on the shoulders of the Government of Bengal for recruiting policemen from outside the Province. That in itself is a wrong principle I admit but has Mr. Poddar inquired and ascertained if the Bengali young men would care to accept the job of *paharawallah* for Rs. 22 a month and remain standing in the blazing sun of the noonday to control the traffic and do other work in addition? My information is that efforts were genuinely made by the Government to enlist not exactly the *bhadralok* young men but the young men belonging to the lower class, as constables in the Calcutta Police, but the response was almost nil.

Sir, the tendency of our young men is to find easy jobs. They do not attach any dignity to the labour, had they done so then the situation would have changed to a great extent. From the latest number seen, it is found that there are about 35,000 motor vehicles in Bengal. I take it that 10,000 of them are no longer of any use, still 25,000 remain. To these may be added about 2,000 taxis and 1,000 buses. All these vehicles are driven by chauffeurs and how many of them are Bengalis? It is a common knowledge that a taxi or a bus driver earns something between Rs. 80 and Rs. 90 a month and we the owners of private cars pay our drivers nothing less than Rs. 40. All these money are earned by non-Bengalis. Sir, educated and half-educated young men worry me almost every day for recommendation letters to Government officers and other influential men and I always ask them to take up manual work but none of them cares for it. The difficulty lies there. A Committee can find out ways and means but it cannot compel one to work. What a Committee will do if our young men would not help themselves?

Sir, Mr. Poddar has said that nearly 80,000 young men are roaming in the streets aimlessly in search of work. Are they really anxious to do work? If so my advice to them would be: "take up the jobs of motor-car drivers and drive out these 20,000 Sikhs from Bengal. Go and enlist yourselves as constables and thereby earn livings and keep the wealth of your province inside." There is another side of the issue and that is that our young men start with such high ambition as can never be realized in these hard days. Every Law graduate thinks and hopes that he should earn such amount as the late Sir Rash Behari Ghose did. That is not only undesirable but totally condemnable. Sir, I do not think that the question of unemployment will ever be solved if we do not begin to think of helping ourselves. However willing and anxious a Government may be, it cannot help a people who would not help themselves.

Sir, Mr. Poddar has, in his concluding remarks, said that the Department of Industries under the Government of Bengal was doing some useful work to relieve the congestion in the field of unemployment. The House knows all about the excellent schemes of Mr. Narendra

Kumar Basu. This particular scheme is being given a fair trial by the Department of Industries and I know employments have been found for about 200 young men under the scheme of Mr. Basu. I have no doubt that about 2,000 young men will in the very near future find employment with the development of the scheme. Here again the dislike of our young men to do manual work is likely to stand in the way. A relative of mine who is an M.Sc. has been employed to work out this scheme. He came to me only day before yesterday and asked me how long he would be rotting on Rs. 75 a month. He wanted to know if I could secure a good job for him in any office. He said that he was tired of going from village to village for the purpose of teaching the people the art of curving an umbrella handle! I am afraid that the present system of education is fully responsible for this state of affairs but that is another matter.

Sir, the main thing is that we have lost our energy, health, aptitude for work and self-reliance. Others come to Bengal and earn livings not because they are more qualified but because they are more energetic. Sir, who does not know that a Marwari lad begins his life as hawker and begins to earn something by hawking "এক টাকায় তিনখানা কাপড়, আউর একখানা ফাউ". He probably earns only as. 4 in a day after hawking from morning to evening. Such small beginnings are unthinkable to our boys and so I do not think any useful purpose will be served by accusing the Government alone. What we should do is to infuse a sense of responsibility into the minds of our young men. They must be induced to realise the dignity of labour. No one can earn a living in the world of industries unless he can work hard. The Department of Industries is going ahead and Sir Nilratan Sarkar and others have also been doing a lot to develop the industrial resources of the province but they will do no good to us if our young men do not agree to undertake manual work. This being the position I do not think that the appointment of a Committee as suggested by Mr. Poddar is either necessary or useful. Most of the members of this House may not know it but you, Sir, as an old member, are aware that such a Committee was appointed during the first term of the reformed Council and the late Rai Radha Charan Pal Bahadur worked hard in it as a member. Some schemes were formulated but nothing tangible followed The work is more for the society as a whole than it is for the Government or any special Committee that may be appointed by it. I therefore do not approve of the suggestion of Mr. Poddar.

Rai Bahadur KESHAB CHANDRA BANERJI: I rise to support the resolution, not because I am in full agreement with the observations made by the mover, but because of its urgency and importance. It is unfortunate that the question of unemployment, which has of late assumed formidable proportions, has not so far received the amount

of attention that it so eminently deserves. My friend Mr. Poddar has almost exhausted the arguments that may be advanced in favour of the proposal, and very little remains for me to add to what he has said. To my mind the problem is one of so great a magnitude that its early solution has become imperative at the present moment. It need hardly be said that unemployment has become a menace to the peace and prosperity of the land. In no province in India unemployment presents such a distressing spectacle as in Bengal. It will no longer do for Government to remain indifferent, they should lose no time in addressing themselves to a solution of this most vital problem. I think it will not be fair on our part wholly to criticise Government, particularly the Department of Agriculture and Industries, for their alleged inaction in this matter. The Hon'ble Minister is to be rather complimented on his honest endeavours to ameliorate the hard lot of our unemployed young men. The State Aid to Industries Act is an instance of the interest he has been taking in the question of unemployment. I have had occasion, by courtesy of the Hon'ble Minister, to pay a visit to the workshop at Pagladanga where various articles of everyday use are being turned out and training given to a number of unemployed young men in cottage industries. But the steps taken in this direction are not adequate having regard to the magnitude of the problem. Unless the Hon'ble Minister is backed by the opinion of a strong committee who are in a position to advise on this difficult question, no tangible results can possibly be obtained. And I am definitely of opinion that so long as unemployment stalks the land, the prospect of success of the Reforms will be remote. Eminent politicians like Sir Ernest Benn assert that the lack of employment for able-bodied men is a slur on the Government of the country, and where such a situation arises, it should be handled with promptness, sympathy and determination.

I wish I could deal with statistics to show the extent of unemployment in this country, but in the absence of reliable figures it is not possible to make an authoritative statement on the subject.

The census report for the year 1931 is studiously silent on this point. All the information which it vouchsafes to the public is a laconic intimation that the figures collected under this head have not been published. I have tried time and again to impress upon Government the supreme necessity of ordering an accurate census of the unemployed in Bengal without which it is futile to devise measures of relief.

The number of the unemployed in this province may be taken to be somewhere in the neighbourhood of eight millions, inclusive of women, infants, children and other dependants, and if this figure, collected by some non-official bodies and by the Indian Chamber of Commerce of Calcutta in particular, be correct, it certainly reveals an appalling state of things. The number of able-bodied vagrants

alone would be something like two millions. The responsibility of Government in this matter is not inconsiderable. They cannot, perhaps, deny their obligations to provide work for these men, and remembering the saying that an idle man's brain is the devil's workshop, it is no wonder that the terrorists should find many willing recruits in Bengal. An eminent writer says: "If the East were as demonstrative as the West, many windows and glass-doors would have been before now broken to pieces and public peace seriously endangered." There is a solid substratum of truth in an article which recently appeared in an American journal under the caption "Hunger behind the bomb."

The Government are spending large sums of money in maintaining an excessive police force to check terrorism and other subversive movements which draw their sap from unemployment. To my mind no expenditure should be considered too heavy to solve the unemployment problem and once the matter is successfully tackled, there will be no more need for secret service or for lavish expenditure of any kind in maintaining law and order in this province. "Law and order" will then be able to take care of itself.

The services and learned professions are all overcrowded. Nor can the undeveloped industries of the country provide an opening for our unemployed young men. If the jute trade could be revived, it could find employment for a few thousands. Most of the other industries are in a moribund condition, thanks to the falling rupee, the vagaries of the exchange and the flight of gold. Even if conditions were more favourable for the development of industries, excessive industrialisation would be hazardous, considering the price which the Western countries are paying for it. Great Britain and the United States of America where about a dozen million unemployed are holding hostile demonstrations and threatening to wreck the mechanized capitalism which has thrown them out of employ, have learnt to their bitter cost the effects of over-industrialisation.

It is regrettable that agriculture has failed to attract our middle class young men who do not seem to recognise its importance as a source of living. However much we may blame them, want of facilities is no less responsible for their indifference to agricultural pursuits.

There are in Bengal about 6 million acres of fallow cultivable land. If this vast area is reclaimed and brought under cultivation, it can feed many hungry people. The use of fertilisers and the introduction of improved varieties of staples is likely to augment agricultural profits to a very great extent. In 1929-30 such introduction, carried out under the auspices of the Agricultural Research Institute, led to an enhancement of the value of crops by several crores of rupees.

I understand on reliable authority that in the Bakarganj district alone from which my friend Mr. P. N. Guha comes, there are nearly

57 thousand acres of Government *khas mahal* land available for immediate settlement. If a scheme for the settlement of *khas mahal* lands with sons of *bhadraloks* is sanctioned by Government on condition that they should till the land themselves and not enjoy the profits by subletting it to others, unemployment will be a thing of the past.

Perhaps the Hon'ble Minister will say that the Department of Agriculture and Industries is not sitting idle and that there is no necessity of a committee being formed as suggested by Mr. Poddar. The functions of the committee will be purely advisory. They will explore avenues of employment and make suggestions for the solution of the problem.

Mr. P. N. Guha has said that a committee would serve no useful purpose. There are committees to solve and to shelve questions. If the committee works in a businesslike manner, there is no reason why this question cannot be solved. I do not wish to dilate on the subject and shall conclude by saying that it is a very desirable proposal and as such there should be no hesitation on the part of the Hon'ble Minister in accepting it.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I rise in support of the resolution so ably moved by my esteemed fried Mr. Ananda Mohan Poddar. Sir, unemployment is a malady, as Mr. Poddar remarked, eating into the vitals of the Bengalee nation. I fully agree with Rai Bahadur Keshab Chandra Banerji that it has grown to such an enormous extent that any tinkering with the problem will lead our social system to disruption. To avoid that disastrous result, we should lose no time to find out means that may cope with the evil. This menacing problem of unemployment can be traced to be of very recent origin in Bengal. Even two centuries back, when rice was selling at 8 maunds per rupee, and the people of Bengal hardly knew what the pangs of hunger were, our agriculturists then grew their own food and they were seldom dependent on outside sources for the necessities of life. The soil of Bengal was more fertile than the present and the foodstuff grown was quite sufficient for the population, and the village artisans, as pointed out by Mr. Poddar, supplied most of the people's requirements. Everybody had his own occupation, and discontent was a thing not known to the Bengalees. But our contact with the Western world and Europe's commercial penetration in the country along with political dominance of Great Britain upset the whole economic system of old, and displaced a large number of people from their traditional employment. Unemployment due to this displacement of old order has been very extensive and has told upon the society very acutely. Sir, Western civilisation, want of technical education on a sufficient scale, a fundamentally defective outlook of life, a disintegrating social order, and an imperfect economic organisation are some of the causes that deprived the young men of Bengal of the means of a decent livelihood. This problem

of unemployment is to-day so acute and has reached almost to its climax, inasmuch as we often hear of educated young men ending their precious lives by suicide, being unable to maintain their aged parents or their helpless dependents. An unemployed youth goes about in vain search of a job; shuttled from pillar to post and from post to pillar, he sees no light, nor any hope is held out to him, and being thus driven to despair, he falls an easy victim to the hands of terrorists and revolutionists.

Sir, in these days of political and economic trouble the condition of the middle class people is getting from bad to worse. None can deny the fact that the economic condition of the people is largely responsible for the present political unrest. I think the Government have a duty to discharge for the protection of the unfortunate people who are entrusted to their care by the dictation of Providence. I would emphatically declare that if the Government of Bengal has any duty to discharge, it is in the exploration of new channels of employment. This may be effectively done partly by the initiation of an active and yet intensive programme of technical research for the benefit of a large number of small factories as well as for the millions of our cottage workers and partly by our effective policy of technical education for training up apprentices for employment in such factories.

Sir, I can indicate various other remedies that would enable us to reduce the evil substantially. It is in the power of the Government to make settlement of *khas mahal* lands with unemployed *bhadralok* youths as urged by Mr. Poddar for the purpose of scientific agriculture. It is universally admitted that any programme for the eradication of unemployment must provide for a plan of more intensive development of agriculture, in order to make agriculture more attractive, productive and profitable so that it can support a large number of people. For providing capital for agriculture, co-operative credit societies and land mortgage banks should be started, and these also will create employment for a large number of educated young men.

Industrial expansion must proceed hand in hand with the development of agriculture. Cheap manufactures from abroad have injured our cottage industries to a great extent. Our cottage industries should be revived and protected.

I think I need not go into any further details. I would strongly urge the Government to throw open all the opportunities in its power that may absorb the largest number of our young educated hopefuls. Let the Government tackle the problem in right earnest and seek the co-operation of the public in this matter. I am really convinced that if the proposed committee be appointed, it will surely chalk out a definite programme for the eradication of the evil.

Maulvi ABDUL KARIM: It is undoubtedly a most important question and it requires very serious consideration. Most of the facts stated by the previous speakers are quite correct; but I am afraid this is a large question to be tackled by a small committee as proposed. I do not agree with Mr. Guha that Government cannot do much in this respect; I believe Government can do a good deal. But unless and until the people themselves move in the matter, I do not think Government will be able to do anything very appreciable. The outlook, and mentality of the people in general have to be changed, and the dignity of labour, has to be properly realised. Many of the unemployed people are not only unemployed but also unemployable; this is due to a bad system of education. Unless the system of education is thoroughly overhauled and made suitable to the requirements of the people, I do not think much can be done in this direction. I oppose the motion for the formation of a small committee, as this is a very large question and cannot be dealt with by a committee like this. It would be mere waste of time, money and energy to appoint such a committee.

(The Council was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Babu AMULYADHAN RAY: On a point of order, Sir. When a member rises on a point of order, should he not be given a hearing?

Mr. PRESIDENT: But the President will certainly not touch with a pair of tongs any matter that cannot be raised on the floor of the House by legitimate means.

Maulvi ABDUL HAMID SHAH spoke in Bengali in support of the resolution.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, this is a subject which I have been studying since the year 1912, when I moved a very similar resolution in the old Council. When the resolution was moved, I found that the whole staff on the Government Bench, from Lord Carmichael downwards, everybody was nervous as to what I was speaking about: why I was speaking in this strain, why I was giving this warning to the country and this warning to the Government, what had happened to me, whether I had run mad or whether something had taken place to induce me to bring forward a resolution like this before the Council. As a matter of fact, one of my best friends, who was at that time on the Executive Council, asked me to give him details of the grievances. I found that the Government members were very very keen in trying to find out whether there was any remedy for this trouble which was brewing in the country. My warning, Sir, thus went unheeded. What do we find now in the country? My friends on the right as well as on the left have explained to the House what the people are now feeling on account of the unemployment of young men of the middle

classes. Whatever may be said against them as having got some political motive behind every action of theirs, I can say from my place in this House that there is a great deal of truth in the statement which has been made by the previous speakers, viz., that if employment could have been found for the unemployed, a lot of troubles that my friends hear of would have disappeared. I am really sorry that when such an important resolution is being discussed in this House, the Treasury Bench is practically empty. Nobody seems to be considering seriously a question like this. They are so very unsympathetic as not to listen to the representatives of the people here who have been crying hoarse for waking up the members of Government to do their duty. I am sorry my friends on the Treasury Bench are not showing the solicitude which they should show; the very fact that they are absent from the House shows that they do not care two pence for the subject that is being discussed here. We have come here at the risk of our health, but we have not come here simply to speak to the empty benches. We have come here to make ourselves heard by those who are responsible for the administration of the country. Sir, the way in which the subject is being treated shows the direction in which the wind is blowing. If people do not get any sympathy or help from Government, then no one can blame them for their attitude. The subject before us is so very serious that even though I had a temperature of 105 degrees last Friday, which I have been able to get over only by taking heavy doses of quinine, I have come here in spite of weakness to speak on this subject; I thought that it was my duty to impress on the Treasury Bench the solemnity of the occasion and to tell them that it is their duty to solve this problem. If they cannot solve the problem, then they should walk out and let others take their places. Sir, we all know what happened in America the other day, when the late President Mr. Hoover —I find some of my friends laughing, but they should be very serious in considering this matter—made a mess of the whole thing. So many banks failed that practically the whole business of the United States collapsed, and the dollar was selling at 2*s.* and odd.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Rather it was all the other way about.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I speak subject to correction. The whole country was wide awake. The moment they got an opportunity, they turned out Hoover and got a democrat there and what is that democrat doing now? Has he not absolutely changed the atmosphere in the United States? Is he not even trying to increase the sale of goods of the people? Is he not really approaching every man as to how to improve the trade as well as the condition of the country? From beginning to end you will find that the man is working day and night to solve the problem, but what are you doing?

Nobody cares to hear what the representatives of the people are saying. If in such an unsympathetic way the matter is dealt with, the problem can never be tackled. The problem requires a great deal of brain and experience too. Instead of taking a subject like this so very lightly, a subject which may change the history of Bengal, or rather the history of India, I appeal to my friends in the Treasury Benches to find out if there is any solution for it, and to seek the aid of the best brains for its solution. Of course, I cannot say that they can do as much as the President of the United States has done or is doing. Their power is limited, because they are only a Provincial Government. But be that as it may, still a Provincial Government can do a lot of good, and in this connection I may cite an instance of what even a Provincial Government did. I say this from my personal experience, that so far as tea is concerned I told the Hon'ble Mr. Woodhead, whom I now see laughing——I approached him with all seriousness and said that if you will not interfere and ask His Excellency the Governor not to interfere also to bring about a scheme for restriction of that crop and revising the duty on tea, I should be absolutely ruined. What did they do? Our Governor, with all respect to him——

Mr. PRESIDENT: I am sure you are not going to labour that point, Nawab Sahib.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I was only saying what a Government can do if only they wish. Besides, I am speaking in praise of the Governor and not against him. Both of them tried their best and I can tell you, Sir, that they brought about a Bill and got the scheme passed——

Mr. PRESIDENT: Order, order. We have nothing to do with it.

The Hon'ble Mr. J. A. WOODHEAD: Sir, I disclaim all credit in the matter.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I say, Sir, that if the Government are only sympathetic and honest in their efforts, they can do much. I see two of my friends on the Treasury Benches are smiling and thinking that perhaps I am thinking of them. But I may assure my friends that I am not speaking of any individual person. I am speaking of the entire Government. If the Government as a whole try their level best to solve this important problem which has been brought before the House by my friend, I do not see why it will not be possible to remove unemployment. It is not at all difficult. But some of my friends say that it is very difficult, and it should not be at all thought of. I do not think so. My friend Mr. Guha has told us, or has rather given us an amusing lecture in which he said that we are all bad men, that we are all rotten; so how can Government help

us? I am, however, not of that mentality at all. I know that Government, if they so choose, can train up our young men on lines which will give them employment. Then who will stand in the Government's way? We are prepared to place all our young men at the disposal of Government and ask them to make men of them. I beg to appeal to the Treasury Bench and to the Government as a whole and not to the poor Ministers alone, to see that something is done in that direction to alleviate the sufferings of the middle class people, and I would also add that if it is possible the poorer section of the people also should not be neglected. (At this stage the member having reached the time-limit resumed his seat.)

Babu HEM CHANDRA ROY CHOUDHURI: Sir, though I have every sympathy with the object of the resolution, I feel it my duty to oppose the resolution on these considerations: Firstly, for some years past the problem of unemployment among the middle class *bhadralok* youths of Bengal has engaged serious consideration of the leading men of the province and to some extent of the Government also. The Government has on more than one occasion expressed its anxiety to tackle the problem in co-operation with anybody who takes an interest in the matter. Though I fully agree with Mr. Guha that self-help plays a prominent part in the solution of the problem, I am afraid I cannot agree that the Government has done what it should do under the circumstances. The Hon'ble Minister will perhaps find shelter under the plea of insufficient funds at his disposal. I shall deal with this aspect of the question later on but what I want to impress is that we need not draw the attention of Government by passing a resolution which involves a huge cost for giving effect to it, for Government is already active.

Secondly, I have little faith in the utility of the report of such committees. Many committees have been formed and reports submitted. Either the Government has paid little attention to the recommendations of the committee or the problem has been shelved. No useful purpose will, therefore, be served by the appointment of a small committee for solving a problem, which is after all worldwide.

Thirdly, the appointment of any committee will never solve even a fringe of the problem, unless and until Government is disposed to find sufficient funds for the purpose. Like every other problem the unemployment problem also requires sufficient funds for its solution. I have already said that the Government will put forward a strong plea of insufficient funds for such national works. I am also sure that Government will never find sufficient funds until its policy of maintaining a high salaried staff and spending large amounts for police in the name of law and order is given up. I would, therefore, suggest that the sum spent for such a committee will be better utilised if it is spent for the purpose for which the committee is appointed.

Dr. NARESH CHANDRA SEN GUPTA: I am sure there is nobody in this House who does not feel the fullest sympathy with the purpose underlying this resolution and also the feeling that underlies it. Everyone of us feels the great economic calamity which the unemployment of our young men means. I suppose every one of us is more or less hit by it. Nevertheless, I am afraid I cannot endorse this resolution, and that for several reasons.

In the first place, it seems to me that to take the question of *bhadralok* unemployment as a problem by itself is to invite defeat. You cannot solve *bhadralok* unemployment without going into the root of the economic condition of the people and without raising the value of the basic wealth of the country. If you want to find employment for *bhadraloks*, make your peasants rich, make your cultivators wealthy, and there will be an end of unemployment for *bhadraloks* and for everybody. That will be the real solution of the problem. Therefore, the problem to which we should address ourselves is not the question of employment of any particular class, but the question of increasing the basic wealth of the country, wealth which will go round and bring plenty and prosperity all round. For this reason I have never professed myself in sympathy with those who would confine their attention to the immediate problem which is troubling them—the problem of their own young men, their sons, nephews and others who are all loafing about. I think the solution of all that problem is very clear; it lies in increasing the wealth of the country.

In the second place, I do not believe in these committees. We are asked by this resolution to agree to the appointment of a committee (which must be expensive) to find out a solution of the problem—a problem for the solution of which apparently no sort of guidance is available.

Well, I do not believe that people sitting in a committee have any special inspiration by which they can evolve some magic formula. We know what the committee will think and we know more or less that when most people cannot think out a solution, a committee would not be in a better position to do so. And, Sir, thirdly the personnel of the committee, the number of members that has been proposed, is a sufficient answer to sufficient criticism of the proposal. But if the problem is to be investigated—it is essentially an economic problem, a problem for experts more or less—when experts have got to do the bulk of the work, it is essential that we should have experts on the committee. But here we have a body—an extremely large body—among which I cannot find any expert except perhaps one. (A VOICE: You can co-opt expert members.) That is to say the tail will wag the dog!

If you want an expert committee, have an expert committee by all means. If you want to have a committee of the Council, let us have such a committee; but I do not think such a committee can achieve

any marvellous results. And, lastly, there is always the question—the fundamental question—I mean the question of finance. You cannot conceive of any solution being found of the unemployment problem until you are prepared to put in a large amount of money into the scheme you evolve. Where is that money to come from? Is the Government so flush of cash that they will spend the money required? Is the Government prepared first of all to accept the policy of investing huge sums of money on any project however good it may be for finding employment for our young men? Until we have that assurance from Government, it would be absolutely futile to have the best of schemes evolved by an elaborate committee only in order that the scheme might be brought to the upper shelves of the library of the Secretariat. At the present moment we are not really in want of schemes for the solution of the economic problems of the country. But what have we done? Take the report of the Banking Inquiry Committee—a fruitful report—a report full of suggestions which might bring about a revolution in the economic condition of the country. What are you doing with regard to the proposals of that committee? If the proposals made by that committee are given effect to in Bengal to the fullest extent, I am perfectly sure that Mr. Poddar's proposals would be unnecessary, and half the problem of unemployment will have been solved. Unless we get something from the Government in the nature of an assurance that they are prepared to foot the bill for any such scheme, I think it would be nothing but waste of time, money and energy to appoint committees of this nature.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I am in entire agreement with the views which have just been expressed by the previous speaker Dr. Naresh Chandra Sen Gupta. There is perhaps not one in this House who does not feel this question of unemployment of our young men as a personal grievance. Every one of us perhaps has got grown-up sons or relations who are sitting idle for want of employment. But the question is whether this unemployment problem can be solved by the means which has been suggested in the resolution moved by Mr. Ananda Mohan Poddar. This question, Sir, is at the present moment a world-wide question, not particularly confined to India alone. As a matter of fact, the social conditions of India in general and Bengal in particular make it all the more difficult to solve it by an Act of the State. The mover of the resolution himself has remarked that the land revenue system of the country is to a large extent responsible for it. This is perfectly true: the system according to which a very considerable portion of the profits from land is enjoyed by people who do not do any work on the land—who do not do anything but sit idle—must make the considerable class of middlemen lazy. That is to a great extent responsible for the unemployment of that class of people who look up to the landed proprietors as their ideal. Another factor which is responsible for this unemployment is, what I may say, the great selfishness of

the wealthy people of Bengal in keeping their purse-strings tight and not opening them for improving the industries of the province by which they can solve the unemployment problem to a great extent. Instead of looking up to Government for funds or suggesting the formation of a committee, I would suggest to the mover himself and to his wealthy supporters to open their purse-strings and help those young *bradraloks* who are capable of starting and running the various industries in this country by their money.

Mr. ANANDA MOHAN PODDAR: Does the Khan Bahadur advise Government to sit idle?

Khan Bahadur MUHAMMAD ABDUL MOMIN: I am not advising them to sit idle, but I am only giving practical advice. If Mr. Poddar does this, I think it will go a great way in solving the unemployment problem. Sir, if a committee is formed, what will they do? They will sit together and each member will give out his own ideas, and probably some sort of scheme may be formulated; and then the question of questions will arise—how their recommendations are to be given effect to. Is Government in a position to finance any scheme which such a committee may be able to evolve? They will probably suggest industrialisation to a very large extent. That is a question which is not confined perhaps to the Provincial Government alone. There are many other factors which will interfere with the proper carrying out of any proposals that may be made. I do not for a moment say that this Government, or for the matter of that any Government, is not capable to a great extent of solving the question of unemployment. But at the present moment I think that a committee, as has been suggested, will be worse than useless, firstly because it will be difficult for them to suggest any practical scheme which will be acceptable either to the Government or to the *bhadralok* youths for whose benefit these schemes will be evolved: secondly, even if the schemes are acceptable, we have not the money to give effect to them. We know that the Industries Department have been doing a great deal in trying to teach industries to those of our educated boys who would like to take them up; but as I have found myself, most of the boys who come forward and apply for this training have one thing in view and that is that they will not work the industries themselves, but they will try to secure employment in that particular department to give training to the young men who again in their turn will be seekers of employment. That is their mentality. As has been very well put by Mr. P. N. Guha, until the social system of our country is thoroughly overhauled, until our boys imbibe the proper sense of the dignity of labour and put their hands on anything which comes their way, whatever schemes we may evolve will be of no use. It has been suggested that the *bhadralok* youths should be induced to take to agriculture and to this objection has been taken by my friend Shah Sahib and also in a way by Dr. Naresh Chandra Sen Gupta.

I think they are perfectly right. There is no question of *bhadraloks* or *non-bhadraloks* being induced to take up agriculture. The question is how to increase the value of the agricultural produce of the country. What is the use of inducing those people who are accustomed to a higher standard of living to take up agriculture to add to the difficulties of agriculturists who do not get two meals a day owing to the fact that the prices of paddy and jute have gone down due to overproduction? The agriculturists find it very difficult to pay their land rents owing to this low price. What is the use then of inducing more people to take to agriculture—particularly the people who are indifferent about it? These are the difficulties which will appear before the committee if such a committee is formed, and I think the result of the deliberations of such a committee will be useless.

Sir, certain criticisms have been made against the activities of the Industries Department which I think are not justified. It is not a fact that attempts are being made to take away the work from any particular class and to give it to another class. The whole idea is to give a kind of training in Departments of Industries which at the present moment do not exist, to create demands for production of certain things which are not in existence. Take for instance the Bell-metal Department. Here the Industries Department are teaching young men to make things which are not ordinarily made in the villages by the ordinary brass-metal smith—things for which there are markets only in towns, such as paper-weights, knives, forks, finger bowls, and all sorts of trinkets. The department I am sure has no intention of keeping out any professional blacksmith or bell-metal worker from this training. If our young men earnestly take to these industries, they might start small industries of their own in which they will themselves work and will also employ skilled labourers who are at the present moment, for want of proper guidance, reverting to agriculture, giving up their vocations. If there is an apprehension—and I know there is such apprehension in the minds of tenants, agriculturists and artisans—that by bringing in men of the educated classes into their business, they will ultimately be ousted, I must say that it is a wrong apprehension; this is not the case. It is at the same time well that this point has been raised and put before the Industries Department so that in future, particularly when they go out into the *mufassal*, it would be worth while trying to induce the actual men in the trade to come and join their training classes in as large number as possible.

Sir, I think I have made it perfectly clear that I am not in any way against any suggestion or any attempt on the part of anybody to evolve any scheme and put it up before Government or to bring it before the Council in the shape of a resolution. But I am definitely against the formation of a committee to write big volumes of report and then do nothing.

Mr. P. BANERJI: Sir, I am surprised to find that even those who have spoken against the resolution have said that it is a very good proposal and, therefore, no one should oppose it. I can understand members opposing a certain motion wholeheartedly. Khan Bahadur Abdul Momin has, in the course of his speech, said who is there to oppose it. But my point is that he has not supported it. It is now a well-known fact that Government have always turned a deaf ear to resolutions passed by this House, although they are of vital importance, on the plea that they have not got money. Even where no money was wanted, Government did not see their way to accept a resolution. That is the charge we level against the present day administration. Now, Sir, I could not understand Mr. P. N. Guha, the foremost supporter of Government. Whenever a resolution is moved, he is the first speaker to oppose it. I am also surprised at the attitude taken up by Dr. Sen Gupta. He has said that unless we can go to the root of the thing, it is useless to appoint a committee. Dr. Sen Gupta claims to be a great educationist, but even the greatest of men commit blunders. He has suggested that the members are too many, and I think I shall not be out of order if I say that I hope that Dr. Sen Gupta has read the words of Carlyle that among many counsels there is wisdom. And so if there are more members, there will be greater wisdom. Then there is another thing which I think my friend has altogether overlooked. It has been suggested that there should be some experts on the committee. Already one expert and many intelligent and big people are on the committee. Therefore, is it contended that a committee of big and intelligent people will not be able to do anything in the matter? In the words of Dr. Sen Gupta, I may say that supposing we cannot get the greatest amount of good, is there any reason why we should not make a beginning? The question of vital importance to-day is the question of unemployment. The resolution deals with the question of unemployment of educated youths of Bengal who may not be literate people. There are many cultivators who are educated but not literate. There are many educated people without any knowledge of English. If we go into the present day history of the different countries of the world, what do we find? We find that even in England the question of unemployment is being solved in a way in which the capitalists are being compelled to part with 90 *per cent.* of their money. If the question of unemployment is solved, there will not be so many dacoities and robberies. I hope Sir William Prentice will bear me out when I say that the number of dacoities and robberies is on the increase. We all know that in the countryside on account of dacoities and robberies the people feel that they are not living under the British rule and that their lives and properties are now all unsafe—very meagre reports of what has actually been happening in the villages reach us—not only are dacoities committed in broad daylight in private houses, but even the Royal Mail is in some cases being snatched away. We are all aware of these facts

and still we shut our eyes and come here as responsible representatives of the people and say nothing can be done. I cannot for a moment understand with what conscience the responsible representatives of the people could suggest that such a reasonable proposal as the resolution before the House should not be accepted and how could they say that they were unable to anticipate what the committee was going to do.

The only question for consideration is the difficulty of finding money. Dr. Sen Gupta has asked where is the money to come from. There is no doubt that the money will be forthcoming. The House is perhaps aware that I have tabled a motion to introduce a Bill called the Bengal State Lotteries Bill. That Bill, if passed into law, will, I can guarantee, place in the hands of Government about one crore of rupees annually. Therefore, I can assure the House that there will be no dearth of money. On the last occasion when I moved my motion concerning the above Bill, I said that the money realised under the provisions of the Bill would go into the budget of Sir Bijoy Prasad Singh Roy and be utilised towards the improvement of the hospitals in Bengal. But then the other Ministers and even Sir William Prentice said that they must have a share. I have now made provisions for all of them, and the money realised under the Bill will go into the budget of all the Ministers. It has been suggested that Nawab Faroqui should get the entire amount. I must say that Khan Bahadur Momin has a very poor knowledge of the agriculturists, although most of the members of his community belong to the agricultural class. He has said that the price of rice has gone down; but that is not the fact. The fact is there was an embargo on rice. As the result of a resolution passed by this House, the Burma rice has captured the market and our Bengal rice, which at one time used to go all over the world, is not saleable at present; that is one of the chief factors which has brought down the price of rice to-day. As I have said on many occasions that unfortunately most of us being lawyers or members of the landed aristocracy, we do not know the world policy or the conditions of trade and industries, and as the result of our action the poor agriculturists are suffering. Therefore, I must warn the members, who have not got sufficient knowledge about this matter, not to speak with authority. In this connection, I might tell the House what has actually happened in regard to the cultivation of plantain and other fruits. Those green coloured bananas, which my friend Mr. Momin is so very fond of, at present come from far Eastern lands and in those lands the manager of the cultivation draws a salary of Rs. 1,000 per month. So, if we appoint a committee and direct our attention to at least one direction, that is fruit culture, the agriculturists can get a lot of money not only from the cultivation of bananas and pine-apples, but also from mangoes which are now being exported to England. Therefore, if there is a committee to-day, and if they can find any means of solving this

problem, then something could be done. There ought to be a committee, and then it will be possible to do something on the lines suggested by Mr. Ananda Mohan Poddar.

Sir, with these few words I give my wholehearted support to the resolution.

Maulvi ABUL KASEM: Sir, there is an impression in certain quarters that, like somebody's little liver pills, a committee formed at the suggestion of this Council is a medicine for all evils. It has been suggested that a committee should be appointed to advise Government how to remove unemployment among the *bhadralok* classes—literate and illiterate—and we have heard many eloquent speeches both for and against that motion. I am neither an expert, nor do I know everything—I plead guilty to my ignorance about which Mr. Banerji has spoken, but this much I know that in the city of Calcutta and other towns in Bengal, I find non-Bengalee not only getting employment but flourishing and living in peace. At one time I suggested that it was very wrong for people from other provinces and outside India to come and flourish in Bengal. I was told that it might be a loss to Bengalees, but it was a gain to Bengal as such. However, I want to remind my friends that there are many occupations and employments of a fairly remunerative kind which are carried on by people from outside Bengal. Sir, look at our taxis, buses, motor-lorries, and you will find not only the capitalists but the actual workers come from outside Bengal. I do not understand why our young men do not take up that work. The reason in this: What we want is not occupation or work, but what we want is a safe billet preferably under Government, failing which, under some company or some mercantile firm, where our young men can get their monthly salaries on the first day of the month. So long as that is the idea, this question of unemployment cannot be solved, however strong a committee may be appointed.

Secondly, Sir, as pointed out by Khan Bahadur Muhammad Abdul Momin, as long as the present revenue system remains, under which from the yield of a single acre a dozen families can exist and live in comfort, so long the economic condition of the people will not be improved.

It has been further stated by Maulvi Abdul Hamid Shah that for the development of industries University graduates are not wanted, but only men who know the work. In this connection, I have heard that if the Government of Bengal in the Department of Industries want to help the industries, they should attempt to pick men for a particular trade from that trade, because a boy can generally do better than his father. However, Sir, I think that to appoint a committee to inquire into the miserable condition of the educated youths of Bengal would be absolutely loss of time, loss of energy, and, perhaps, loss of money as well.

There is another point, and that is that men like Mr. P. Banerji and others, who are full of ideas about improving the economic condition, are at liberty to make suggestions to the Government of Bengal, and if they are worth anything they will be accepted by Government. As regards the difficulty about funds, in these days money is wanted for many projects. Mr. Banerji has told us that he will give us a crore of rupees from lotteries. There are other trades which can be started by the Government of Bengal, which will bring in money—just as the French Government do it—but I need not mention them. I think, Sir, we have taken up sufficient time of the House on a question of this character. The first thing to do is to impress upon Bengalees of all grades—young men in particular—as Khan Bahadur Muhammad Abdul Momin has said, to realise the dignity of labour and not to allow outsiders to come and oust them from their hearth and homes.

Sir, a good deal has been said about agriculture and agriculturists. I can say from personal experience that even the agriculturists of to-day, people whose fathers or grand-fathers tilled the land, and who have received some kind of education, indent Sonthals from outside, say the Sonthal Parganas, to work their fields; they will not till their lands themselves.

Therefore, Sir, I think that the proper course for the leaders is to impress upon the people to realise the dignity of labour and take to professions in which they see other people flourishing, and they will find that they will earn more money from these professions than by working in Government offices or even as members of the Bar.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, at the fag end of the debate I do not wish to take up much of your time except to reply to one or two points which my friend, Mr. Banerji, has mentioned. I am sorry, Sir, that I do not find him in the Chamber now; but when he said that the Industries Department is only preparing toy things, I join issue with him. I am also sorry to note that his attention has only been drawn to the green bananas sold in the New Market and not to the large number of toy goods and other articles which are being imported from Japan and which can easily be made in Bengal. Even if, as a matter of fact, the Industries Department has only prepared a new scheme to tackle that aspect of the problem which concerns lakhs and lakhs of rupees worth of such ordinary articles of common use, even if they are the toy goods, and can be prepared here, a good market can be found for them and there is a saving of our money going to Japan, etc. I believe Mr. Banerji will agree with me that just as bananas are being imported from foreign countries, these cheap goods and things of common use are also being imported from abroad. If you, Sir, have gone to the Calcutta market during the last year or two, you must have seen the number of rubber toy things which are being imported very largely from Japan and Germany; and you must

have noticed that the brass articles which used to be the monopoly of Jaipur and Moradabad are now being imported from Germany and Japan. I believe that if the Industries Department is to function properly, it should tackle the manufacturing of these articles here and then the question of marketing them will be solved. Take then the question of the cutlery trade. I believe, Sir, you know that in the tea business there is a very large demand for these small cutlery goods which are now mostly imported from foreign countries. If the Industries Department would tackle the question of manufacturing the tools by which the blacksmiths and artisans can make their goods, then a definite market could be found for them. I do not, however, mean that the Industries Department has been doing all that it should and ought to do. But when I find that my friend, Mr. Banerji, says that the Industries Department make only a few toy things and does not tackle the problem, then I think he is altogether misjudging the whole thing and has not probably cared to look at the problem at its proper perspective. I think Mr. Banerji has done the Hon'ble Minister a very great injustice when he said that it would be possible to raise a crore of rupees. We all know that there is now great want of capital in this country. If at a mere bidding from Mr. Banerji a crore of rupees could be found, then Mr. Banerji ought to develop the industries in a much better way than by issuing licences for lotteries which after all are nothing more than gambling concerns.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, at the outset, I would assure the House that Government are in full sympathy with any practical measures which will tend to reduce unemployment, and will welcome and examine any constructive suggestions which may be put forward with this end in view. The nature and gravity of the problem are too well known to require any investigation, while the appointment of a committee, as suggested, will hardly be of much assistance in grappling with the evil.

Sir, it will be remembered that in pursuance of a resolution carried in this Council in March, 1922, a representative committee of non-official members of the Council and some experts were appointed. The committee after a careful investigation into the problem for over two years submitted a report in 1924. On an examination of that report, however, it was not found feasible to initiate any practical scheme towards the solution of the problem. In the meantime, however, Government have been trying to combat the evil so far as the limited resources at their disposal permit. The Industries Department have been affording facilities for the training of young men in technical and industrial subjects, and I would in this connection refer the hon'ble members to the Annual Report of the Department for 1930-31, and the Government resolution thereon. Demonstrations in the practical manufacture of soap have also been given at the Industrial Research

laboratory and in other places, as the result of which considerable employment in the expanding soap industry has been fostered. The department has particulars of some 60 soap factories in Calcutta alone, most of which have recently been started, and many by young men trained by the department. In addition, the department has maintained demonstration parties in brass and bell-metal manufacture in Calcutta, Dubrajpur, Sultanpur, Comilla, and Chandpur, which have been highly appreciated by all concerned as a valuable means of improving the prospects of this industry for the employment of educated and technically qualified *bhadraloks*. As a result of demonstrations or help by this department, a new oil mill and a cutlery factory have been started with success by previously unemployed *bhadralok* young men in Calcutta.

Early in 1932, I invited the co-operation of representatives of various groups in this Council and called for suggestions of industrial schemes which they might recommend. Among those who were so consulted were Mr. W. H. Thompson, Mr. N. K. Basu, Mr. J. N. Basu, Mr. B. C. Chatterjee, Khan Bahadur Muhammad Abdul Momin, Khan Bahadur Maulvi Azizul Haque, Mr. A. F. Rahman, Mr. A. Raheem, Mr. Rezaur Rahman Khan, Mr. Syamaprosad Mookerjee and Mr. Mukunda Behary Mullick. After the various suggestions had been received, an informal discussion was held in which the schemes were examined, as a result of which a scheme at a recurring cost of Rs. 1,00,000 has since been sanctioned by Government. Twenty-eight demonstration parties have been appointed, while an industrial survey of the province and the compilation of an industrial directory have been taken up. Two industrial surveyors have been employed in this connection. Steps have also been taken to set up a representative advisory board in each district—(1) to put forward suggestions for possible improvement of the existing small industries in the districts and establishment of new industries; (2) to act as a board of referees or consultants with various officers of the local Industries Department regarding the work of demonstration parties, the location of the same and recruitment of unemployed *bhadralok* young men for training; (3) to help the industrial surveyor in the collection of industrial information; and (4) to help the cottage workers, not already co-operatively organised, in the matter of marketing their products.

The immediate objective is to create an industrial atmosphere in the country and to give our unemployed young men an opportunity to be trained in the new and improved processes in the various cottage industries, which will afford remunerative occupation to a large number of such men. It is, however, not claimed that the scheme will sweep away unemployment from the face of the country, but it is admittedly an indication of the very serious efforts now being made to tackle the problem by opening out new avenues of employment to the more

ambitious among the young men who are disposed to take up small industries as a result of the demonstrations to be conducted by the demonstration parties. Given adequate local support and co-operation, the prospects of the scheme are indeed bright. The fact that this scheme has been embarked upon in spite of the present acute financial position which necessarily limits expenditure on new schemes is an indication of the earnestness of Government to do all that lies in their power to help in the solution of the problem. They do not think, however, that the appointment of a committee, as suggested by my friend, will serve any useful purpose.

In view of what I have explained, Sir, I hope my friend would withdraw his resolution, and I would take this opportunity of once more inviting any constructive suggestions which he or any other hon'ble member of the House may put forward with a view to assisting in the solution of the problem. Any such suggestions, as may be received, will be duly examined and considered.

Mr. ANANDA MOHAN PODDAR: In view of the remarks of the Hon'ble Minister, I beg leave of the Council to withdraw my resolution.

Mr. PRESIDENT: But it is very unfortunate that you were absent most of the time, during which your resolution was being discussed. I may say that it is the duty of the mover of a resolution to remain in the House and listen to the debate. However, the question now is that leave be given to Mr. Poddar to withdraw his resolution.

The motion was then by leave of the House withdrawn.

Resolution regarding Employment of Bengalees in Bengal.

MUNINDRA DEB RAI MAHASAI: I beg to move that this Council recommends to the Government that in filling appointments under the Government of Bengal none but Bengalees or men domiciled in Bengal be in future recruited except in the case where specialised knowledge is necessary and no suitable candidate either a Bengalee or one domiciled in Bengal is forthcoming.

Sir, I beg to move the resolution that stands in my name. The resolution which I moved on this subject on 30th July, 1931, has undergone considerable changes in view of the suggestions made by several members during the debate. In this resolution, I have omitted the words "including ministerial and menial appointments" and have added the words "except in the case where specialised knowledge is necessary and no suitable candidate, either a Bengalee or one domiciled in Bengal, is forthcoming." I hope these material additions and alterations will meet the wishes of the members of this House. Since I moved the resolution in 1931 world conditions have worsened, and there was no knowing what was in store for the future. The prospects

are as gloomy as ever. The number of unemployed have increased by leaps and bounds and the bread problem is becoming keener day by day. There is a saying that empty stomach is the "devil's workshop." The pangs of hunger incite men to evil deeds. Of course Government service is not the panacea for all ills. It is not also possible for Government to provide berths for all unemployed people. But I think the children of the soil have got a legitimate claim over all the services under the Government. I should like to call it their birthright to have the monopoly of those appointments. This resolution offers equal opportunities of service to those domiciled in Bengal, which is being denied to Bengalee settlers in other provinces. For instance, in Bihar, the life of the Bengalee settlers is daily becoming intolerable. Until a few years ago Bihar was under the same administration as Bengal. Those who settled there at the time could not anticipate the administrative changes in the future, which would result in the exclusion of their children from educational facilities and from appointments under the Government. Most of the early settlers left their homeland in Bengal for good and for all practical purposes they become Biharees except perhaps for their nomenclature and language. And since the cry of "Bihar for the Biharees" was raised, the legitimate claims of the domiciled Bengalees are being deliberately pushed aside by the Government of Bihar. A domiciled Bengalee has drawn my attention to some of their grievances, from which I should like to further elucidate the exact position. As far as education is concerned, the domiciled Bengalees are being refused the privileges which the Biharees are enjoying. Their entry is strictly restricted to the engineering, medical, and even in the general Education Department. Scholarships, if one such falls to the lot of a Bengalee, are being withheld. The door for entrance into service, either under Government or under self-governing institutions like municipalities and district boards, is being closed against Bengalees. A Bengalee in that province has not that much right which even a foreigner who is not a native of India may claim to have. The position of the domiciled Bengalees in the United Provinces is no better. From the Native States Bengalees are being eliminated. Narrow provincialism is no doubt responsible for this mischief, and I would have been the last person to advocate it, had I not been convinced that our Government had been so long liberal to a fault.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of information, Sir. May I know if the hon'ble member is moving his resolution on grounds of narrow provincialism followed by other provinces?

Mr. PRESIDENT: I do not think that is your intention, Rai Mahasai.

MUNINDRA DEB RAI MAHASAI: No, Sir. I was speaking on the general principle and was citing instances.

Mr. PRESIDENT: Go on, Rai Mahasai.

MUNINDRA DEB RAI MAHASAI: Since the beginning of the British rule in India till the removal of the seat of the Imperial Government to Delhi, Calcutta enjoyed the unique distinction of being the metropolis of India, which attracted people from other provinces either for service or for business. Although the capital has been removed, Bengal still continues to be the happy hunting ground for all excepting only the children of the soil. As the Bengalees are being gradually eliminated from the public services of other provinces, it is high time for the Bengal Government to compress their wider vision into the narrow limits of the province placed under their charge.

The Home Member informed us on the last occasion that the principle of this resolution has been accepted by the Government of Bengal and embodied in their rules, but may I ask, Sir, if that principle has been strictly followed in practice. Had that been done, we would not have seen so many outsiders in the Police Service, from Sub-Inspectors of Police and upwards. They are neither Bengalees nor domiciled Bengalees. They have been recruited from up-country. The Home Member may not get local recruits for the post of constables, but can he not get a sufficient number of local recruits for services higher than constables? The other day the Head Mistress of a Girls' School in East Bengal was recruited from Bangalore. In some other departments of Government the rule is observed more in the breach than in the observance.

My friend Mr. Khetter Mohan Ray referred to a typical case about the appointment of the Principal of the Serampore Weaving School during the last debate, but no reply to that was vouchsafed on that occasion. What about the Port Trust appointments also?

As regards the services under the Government of India, may I ask, Sir, if all appointments in the different departments are made on the result of open competition? Are no differential treatment made with regard to certain provinces? The Hon'ble Sir William Prentice wanted to cloud the issues by referring to the results of the Indian Civil Service Examination for that year and the failure of the few Bengalee candidates to get top places in the examination which has been made an excuse for non-appointment of Bengalees in the services of the Government of India? From the premises stated by him he came to the conclusion that it is entirely the fault of the Bengalees themselves and Government are not responsible. In comparison with the number of services under the Government of India, the number of recruits in the Indian Civil Service are negligible. Because Bengalees could not get top places in the Indian Civil Service, they are unfit for other services is a preposterous and a dangerous proposition for a responsible high official like Sir William Prentice to propound. I should like to

submit that it is the bounden duty of the Government of Bengal to see that the claims of the people placed under their charge received due consideration at the hands of the Government of India. I should also like to suggest that the services under the Government of India in the provinces should, as far as practicable, be reserved for the people of that province. Personally, I should like to advise my countrymen not to hanker after Government service if they can avoid it. I verily believe that service under Government generally demoralises the man, however high the office might be. The slavish mentality which it engenders sticks to him in most cases even after retirement. His independence of thought and action die out as soon as he enters it. Security of service allured people to Government service but nowadays that security is about to disappear. The poor father is held responsible for the action of his grown-up son and his service is now at the mercy of the authorities. Even if he is not aware of the doings of his son or is unable to keep him under control, he stands the risk of losing his appointment or his well-earned pension without due consideration to his past services, however valuable they might be. The father is made to suffer for the sins of his son.

Mr. PRESIDENT: You need not labour that point.

MUNINDRA DEB RAI MAHASAI: However, as my service-seeking countrymen are keen about entering into Government service, I should like to impress on the Government that it was their imperative duty to appoint none but Bengalees or men domiciled in Bengal in their service except in the case where specialised knowledge is necessary and no suitable candidate, either a Bengalee or one domiciled in Bengal, is forthcoming.

By Bengalees, I mean Hindus of all classes including of course the depressed and the oppressed or the scheduled and non-scheduled castes, the Muhammadans, Christians and people of other denominations. The children of the soil or those who have made Bengal their home should only be eligible for service under Government.

I find little objection to accept the amendment of my friend Babu Amulyadhan Ray if the following proviso be added to the amendment:—

"Provided that suitable candidates were available from among them."

By this proviso, I want to safeguard the efficiency of the services which was essential for sound administration. Education, character and integrity should be the criterion—the acid test for admission into the public service. With these few words, I commend my motion to the acceptance of the House.

Babu AMULYADHAN RAY: Sir, I beg to move by way of amendment, that in resolution No. 2 after the word "recruited" the following be inserted, namely:—

"in proportion to the population of the Muhammadans, depressed classes or scheduled castes and the Hindus other than the Depressed Classes."

Sir, my intention is not to favour any particular class but to do justice to all classes alike, be they Hindus, Muhammadans, Christians or Depressed Classes. I should like to tell the House why I wish to move this amendment. Now, Sir, what is the history of the last quarter of a century? What has happened during that period in regard to appointments of candidates from the Scheduled Castes commonly known as the Depressed Classes? Sir, the experience that we have gathered during this period—not a century but a quarter of a century since when we have been agitating regarding the unfair treatment which our candidates have received at the hands of the recruiting authorities for want of near and dear relations at the helm of affairs—and the recent activities of Sir Nripendra Nath Sircar and others, have led me to move this amendment. Sir, time was when in the name of the entire community all the rights and privileges were enjoyed by a section of the Hindus, and we never grudged it. But when a body of people belonging to that section—from poet Rabindra Nath and Sir Nripendra Nath Sircar to——

Mr. PRESIDENT: Order, order. Why are you again referring to Sir Nripendra Nath's activities in England. Is this another deliberate attempt on your part to get out of my ruling? You had better confine yourself to the subject matter of the resolution, which recommends to Government to employ the indigenous people of Bengal in the public services. That has nothing to do with Sir Nripendra Nath's activities in England or poet Rabindra Nath's message.

Babu AMULYADHAN RAY: I have not referred to those matters. I am only placing before the House the circumstances which have led me to move my amendment.

Mr. PRESIDENT: I will not allow you to do that. You can take it from me that you will not be permitted to launch a veiled attack on Sir Nripendra Nath Sircar or to refer to his activities in England in connection with this resolution.

Babu AMULYADHAN RAY: I was only placing before the House the circumstances which led me to move this amendment. If you do not allow me to say anything in regard to that, I had better not proceed further.

Mr. PRESIDENT: Then what is going to be your position in regard to your amendment? Do you withdraw it?

Babu AMULYADHAN RAY: No, Sir, I have moved it.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir. I do not see why my friend cannot be allowed to refer to the activities of certain gentlemen in order to explain what had led him to table his amendment.

Mr. PRESIDENT: Ordinarily it is not permissible for a member of the House to question the ruling of the Chair. But if you want to know the reasons why I gave that ruling, I might tell you that the mover of a resolution and those who participate in a debate in respect thereof must always confine themselves to the matter before the House. Now, what is the matter before the House at the present moment? It is nothing but a recommendation to Government to consider whether or not it is desirable to employ the children of the soil in the public services as against outsiders and if it is not fair to make appointments in proportion to the population of each of the classes in the community. That is the proposition before the House and not what Sir Nripendra Nath Sircar is doing in England and how the poet Rabindra Nath Tagore is supporting his cause.

Maulvi SYED MAJID BAKSH: On a point of order, Sir. Is not the member entitled to develop by way of reasoning any matter which it is necessary for him to develop for making his amendment a success?

Mr. PRESIDENT: You must leave that to the Chair. When the Chair finds that a member is trying to develop his argument in a way which serves his purpose to launch a veiled attack on an individual after having failed to do so by legitimate means, the Chair must stop him to keep his previous ruling on the point inviolate.

Maulvi SYED MAJID BAKSH: There is one difficulty, Sir. Suppose a member thinks that by referring to those things he will be able to enlist the sympathy of the House.

Mr. PRESIDENT: In that case I will go deeper and tell you how this attempt on Mr. Ray's part originated. The member in question actually gave notice of a motion in which he sought to level an attack on Sir Nripendra. On very reasonable grounds that resolution was disallowed by me. He made another attempt to reopen that question early this afternoon and was prevented from doing so. I cannot now allow his ingenuity to beat my ruling and create an opportunity for

him to go for the same very person and raise the very same question on the floor of this House. The member might have been disappointed with the order disallowing his original motion, but he cannot expect me to compensate him by allowing him to raise the matter under the guise of another motion which has nothing to do with the subject matter of his original motion. I do not think it will be at all helpful if other members try to encourage him to persist in his attempt to go behind the ruling of the Chair.

Maulvi SYED MAJID BAKSH: It was not our intention to encourage the member to go behind the ruling of the Chair.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise to speak with some diffidence because I do not know whether to support or oppose the amendment. At the present moment, what is uppermost in my mind is that Bengal ought to support her own sons to the best of her abilities. At the same time, the much broader question ought not to be forgotten, that is whether we should not encourage Bengalees to go outside Bengal and to bring money here from other provinces. Sir, I have very great sympathy with the Rai Mahasai in the spirit which has prompted him to table this resolution, but at the same time I cannot reconcile fully and wholly to this resolution because I am not certain whether by accepting it we would be helping the cause of Bengal truly and properly. There was a time—I am speaking of the history of Bengal—when noble sons, able sons, of Bengal held a very large number of important appointments almost all over India. We are proud of the history created by them. Who is not aware that illustrated Bengalees went to Rajputana, Madras, United Provinces and other places, occupied important places and shed lustre to Bengal? These have now become matters of history. But why should we now take any steps which will altogether do away with all such possibilities. Sir, if you ask Sir William Prentice to make it a rule not to appoint anybody else except Bengalees, you would perhaps be doing something which would eventually stand in the way of Bengalees going elsewhere and acquitting themselves creditably. My friend the mover of the resolution has told us that he has studiously avoided the question of menials and labourers. I was trying to find out from my own knowledge of Calcutta how many non-Bengalees come here and occupy posts. Leaving the labourers, etc., there are not many. On the other hand, Sir, I think that an equally large number, or perhaps more, Bengalees are working in other provinces and bringing, as I have already said, honour and money to the country of their birth. (A VOICE: They are domiciled.) If anybody outside Bengal is domiciled here my friend has no objection. (A VOICE: We cannot have any.) Quite right. Therefore, I say it is worth while considering whether this resolution will be to our benefit. I hope my friends will not misunderstand me.

I feel that Bengalee mouths should be fed first before other mouths. But you should consider the case of the Bengalees who are going elsewhere and you ought not to act against their interests. Sir, the days are coming when inter-provincial jealousies are likely to disappear. Are we not trying to do away with the jealousy between Hindus and Muhammadans? Some of my friends are making the position worse by bringing in the question of Depressed Classes and others. Sir, I ask—Are we to attempt to bridge the gulf or to widen it? Let us protect our interests as best as we can; at the same time our claims, our possibilities, for expansion elsewhere for the purpose of earning our livelihood ought not to be forgotten.

Then, Sir, I would point out another thing. Who is reaping more advantage in Bengal—the man in Government service or the man earning his livelihood in other spheres? Take for instance the Sikh community which has invaded Calcutta. This resolution will not help us the least in that direction. In Armenian Street, in Burra Bazar and elsewhere hosts of non-Bengalees are making lakhs and lakhs in trade and other things. My friend's resolution will be absolutely useless there. Let us try to stand on our own legs and let us try to profit by the lesson which we are receiving from these outsiders as much as we can. If you restrict the number in the way you are suggesting in the resolution, I do not think much useful purpose will be served. That has prompted me to say a few words in regard to this resolution.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I support my friend the Rai Mahasai. I shall confine my remarks to two departments of Government—Police and Jails. This question has been before the House more than once. I am sorry I have to repeat my remarks on this subject again. I would ask the Government to look at the point from the political effect it has in the country. Sir, in the Police Department practically 95 *per cent.* of the men employed belong to another province. On the face of it this policy of the Government suggests that the people of this province are unfit to maintain law and order. The Government of Bengal by appointing men from Chupra, Arrah and other parts of Northern India in the Police Force in preference to the children of the soil open themselves to this criticism that they are not interested in the good name of the people of the province. It is a deliberate attempt on the part of the present administration to draw a picture of Bengal and the Bengalees that is not flattering. Sir, this is a policy which can be followed by an alien Government; it can be followed by a Government that have no sympathy with the interests of the people of the province placed under their care. Sir, we are told that the Government is going to be carried on by the people of the province under the new scheme of provincial autonomy, but if I am

to judge by the present attitude of the Government, it appears to be a myth. If the Government want to disabuse this impression, they should lose no time in changing their policy. It won't help us if Sir William Prentice stands up and in his most innocent manner says, well, the Government have full sympathy with the principle of the resolution; they are doing all that is possible to do, but the Government is helpless in this matter as they cannot find suitable men to maintain law and order in this province. If Sir William Prentice is really sincere in his sympathy with the principle that sympathy ought to be followed by action. I read in the newspapers recently that while appointing 60 constables as members of the Calcutta Police Force only one Bengalee was appointed and the rest were non-Bengalees. Well, Sir, do the Government ask us to believe in their good faith by this sort of action? I know the usual argument will be trotted out again that if you employ as durwans and cooks that sort of people, then what is the objection in having them as police constables in the Police Force? Sir, we do not employ our cooks to beat us, we do not employ our cooks to terrorise us.

Mr. PRESIDENT: That is a different matter and has nothing to do with the resolution under discussion.

Mr. SHANTI SHEKHARESWAR RAY: Very well, Sir, I will not follow that line of argument. But what I want to impress upon the Government is that if you do not want to create further discontent in the land and if you want to maintain law and order more effectively in the province, then trust the people of the province—the Hindus, the Muhammadans and the members of the Depressed Classes. You may employ white men, who are domiciled in this province. That won't make any difference. Our point is that—Do not follow a calculated policy of distrust. If you employ the children of the soil, I am sure there will be fewer occasions like the one that happened the other day at Beldanga, Barisal and Chittagong. Men who do not know the language of the place or the habits of the people are supposed to maintain law and order. They shoot unarmed people, be they Hindus or Mussalmans. They shoot the people because they do not feel for the people.

Sir, I shall now deal with the question of jail warders. There, too, you employ Pathans. I cannot give such graphic details of their activities as my friend, Mr. Hashemy, gave in this House when he was a member; but it has been brought to my notice that these Pathan warders are rough people and they enjoy in the task of humiliating the *bhadralok* prisoners in the jails. That is a sort of thing which creates discontent. I would ask the Government to seriously consider the effect of this policy of harassment.

Mr. NARENDRA KUMAR BASU: Sir, I rise at the earliest possible opportunity to give my wholehearted support to the resolution moved by Munindra Deb Rai Mahasai and at the same time to disassociate myself from the sort of attack upon the local officers at Beldanga that Mr. Shanti Shekhareswar Ray has thought fit to make. I do not know what is the source of his information. I have had reports from the people at Beldanga and they pay the highest meed of praise to the Police there. There has been no shooting there as Mr. Shanti Shekhareswar Ray has attempted to describe. The people who have seen me give the highest praise not only to the Police but to the Magistrate as well. I have not the honour of knowing Mr. Rees, the Magistrate there, but from what I have seen in the papers I understand that he has subscribed personally the princely sum of Rs. 1,000 to the Relief Fund, and my heartfelt gratitude and thankfulness go out to him. I am quite sure that nobody has said that Mr. Rees was responsible for the affairs at Beldanga.

Mr. PRESIDENT: I do not think you need go into it. I am afraid you are treading on dangerous grounds, because if you dilate on that point, I shall have to give opportunities to others to have their say on the matter. Therefore, I think it would be better for you to leave that aside.

Mr. NARENDRA KUMAR BASU: However, that has got nothing to do with this resolution which stands on quite a different footing, and I give my heartiest support to it because apart from any other thing and apart from the large question of Indian nationality, we do know, and I have repeated it times without number, that so far as Bengal and the Bengalees are concerned, it does not matter whether he is a Hindu or a Muhammadan; the Bengalee is not liked by the nations of other provinces. I do not want to apportion blame. It may be that because the Bengalees came in contact with the Englishmen earlier than the people of any other province, that they have imbibed their vices and become the most hated people in India, as they are the most hated nation in Europe. There is no gainsaying the fact that Bengal and the Bengalees are not at all liked by the nationals of the other provinces of India. It may be a very sad thing, but it is none the less true. We all know that all the other provinces have taken the greatest possible care to see that so long as their own people are not employed, no Bengalees should get employment in those provinces. It has now been the practice for several decades, all over India, to treat every province as a province for its own national—Assam for Assamese, Bihar for the Biharis, and so on—but Bengal is for all and every one may come and have a share in the Government appointments. My friend Rai Bahadur Dr. Haridhan Dutt has said that by this resolution you cannot

stop people from coming and trading in your province. Well, no member of this House is unaware of the fact that this resolution will not prevent other Indians from other provinces from coming to Bengal and trading here, but what we do want is, if the Government agree with us, to prevent the employment of non-Bengalees in the services of the Government of Bengal so long as there are suitable Bengalees available. Of course, it can always be suggested by the appointing authority that there are no suitable Bengalees available—that would depend on the mentality of the appointing authorities, and that is the mentality from which the appointing authorities will have to disabuse themselves. If there is a will to appoint Bengalees, then suitable Bengalees can be appointed. We all know the principle of minimum qualifications. If that can be taken into consideration in connection with one section of the people of the province, then why can it not be taken into consideration in connection with the people of the province as a whole. If the Government are in sympathy with the principle of this resolution, they can very well act up to it.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 9th August, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 9th August, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 111 nominated and elected members.

After Mr. President had taken his seat—

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, we understand that it is intended to circulate certain papers to the members of the House submitted by Mr. Santosh Kumar Basu, Mayor of Calcutta. Of course in a matter like this, whatever the Hon'ble President decides, it must be obeyed. But I desire to bring to your notice two points in connection with this:

(*1*) That Mr. Basu is not a member of this House. No doubt even if a person be not a member of this House, it is within the power of the President to allow papers submitted by him, and

(*2*) We have just got the papers and my Hon'ble colleague in charge of Local Self-Government feels that it may be difficult for him to meet the point raised in the paper as he is going to move his motion almost immediately.

Mr. N. K. BASU: May I submit, Sir, that the papers to be circulated are only a reprint of speeches delivered by the Mayor in the Corporation from time to time and these speeches were reported extensively in the Calcutta newspapers. I do not know why Government members are so nervous about the circulation of these speeches.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, my friend, Mr. Basu, has an advantage over me in this matter. I do not know yet what the papers contain as they have only been handed over to us just now. These papers may contain the speeches which have already appeared in newspapers. But surely this could have been sent to the Hon'ble Minister-in-charge of Local Self-Government at least a day earlier, so that he could meet the points raised. Sir, I have made my submission.

Mr. PRESIDENT: I might take the two vital points which Sir Provash has raised in this connection. His first contention was that

the papers which I ordered to be circulated to the members of the House did not come from a member of this House, but from an outsider. I may point out that in doing so I was guided by precedents and my own specific standing instructions which are meant to govern circulation of authenticated pamphlets and papers to members of Council. Besides, Bills are circulated for eliciting public opinion. So, it will be seen that opinions of outsiders may be of help to the members to estimate the real value of the Bill before the House. If any opinion is expressed through a pamphlet written in decent language and is not seditious or otherwise objectionable in character, if no unparliamentary words have been employed in it and if the President is satisfied that it merely contains views of an individual with regard to certain matters that are to be discussed in this House, I think, according to well established practice of this House, he cannot but allow it to be circulated. I may tell Sir Provash as well as the members of this House that the Secretary and I have gone through the pamphlet and we did not find anything indecent, objectionable or seditious in it. I, therefore, think that it may be circulated to the members of this House without any harm.

As regards his second point, there is no question of the views contained in the pamphlet being discussed by the Minister at all. I should certainly assume that the Hon'ble Minister is not going to touch any point raised in it. It is absolutely unnecessary for him to do so. I think he should only deal with the points which may be raised on the floor of the House by members.

STARRED QUESTIONS

(to which oral answers were given)

Cox's Bazar dispensary.

*15. **Rai Bahadur KAMINI KUMAR DAS:** (*a*) Is the Hon'ble Minister in charge of the Medical Department aware—

(*i*) that formerly there was a duly qualified assistant surgeon in charge of the dispensary at Cox's Bazar;

(*ii*) that this assistant surgeon was taken away from that place in spite of the opposition of the local people;

(*iii*) that Cox's Bazar has now become a very important station for sanitary purposes and that gentlemen from different places resort to the place for health; and

(*iv*) that steamers do not run regularly now a days as they used to do formerly?

(*b*) Are the Government considering the desirability of placing the dispensary at Cox's Bazar under a competent assistant surgeon?

MINISTER in charge of MEDICAL DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Yes.

(*ii*) Yes.

(*iii*) Government have no information on this point.

(*iv*) It is understood that they do not run regularly.

(*b*) No. The position is still that explained in reply to starred question 27 (*c*) by Haji Badi Ahmed Chowdhury at the August session, 1930.

Rai Bahadur KAMINI KUMAR DAS: Will the Hon'ble Minister be pleased to state whether he will consider the points raised in my questions sympathetically?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have nothing more to add.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether there is at present a surgeon in Cox's Bazar and what is his qualification?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He is a Sub-Assistant Surgeon.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister be pleased to state whether any inquiry was made with regard to the question (*ii*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I mean with regard to (*iii*).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No inquiry is necessary. Government have all the facts in their possession.

Noabad Taluk—Chola Sanua—in Chittagong.

***16. Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether Noabad *Taluk* No. 32814—Chola Sanua—is not one of the *taluks* in Chittagong that have been purchased by the Government?

(*b*) If the answer to (*a*) is in the affirmative—

(*i*) what is the quantity of lands that comprised the said *taluk*;

(*ii*) what were the revenue and cesses derived from it before the revisional survey;

(*iii*) what are the revenue and cesses of the *taluk* after the revisional survey; and

(*iv*) what was the purchase money at which it was purchased by the Government?

(*c*) Have the Government any information why those *mahals* were not purchased by any bidders in a public revenue sale?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) (*i*) 2007·19 acres.

(*ii*) Revenue—Rs. 3,574-8-0; Cess—Rs. 499-9-9.

(*iii*) Revenue—Rs. 8,974-0-0; Cess—Rs. 1,440-5-6.

(*iv*) Re. 1.

(*c*) No.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state whether it is not a fact that when the revenue has been increased from about Rs. 3,500 to about Rs. 8,900, the estate has ceased to become profitable?

The Hon'ble Sir PROVASH CHUNDER MITTER: No; there is enough profit yet.

Maulvi SYED MAJID BAKSH: With reference to (*a*), was there any other bidder present at the sale?

The Hon'ble Sir PROVASH CHUNDER MITTER: Obviously not.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Can it not be presumed that because Government purchased the estate at Re. 1, there are no profits?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, it cannot be presumed because it is understood—I cannot say this as a definite piece of information—that those who wanted to come, did not turn up in time.

Maulvi SYED MAJID BAKSH: Has the estate been resettled after the purchase?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice of that.

Babu HEM CHANDRA ROY CHOUDHURI: What was the profit left before the purchase?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Haji BADI AHMED CHOWDHURY: Did not the owner ask for time?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Abolition of civil courts in certain districts.

*17. **Mr. MUKUNDA BEHARY MULLICK:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that a number of civil courts in charge of munsifs in some of the districts have either been abolished or temporarily suspended owing to dearth of work due to economic depression and various other causes;

(*ii*) that no munsif can either be appointed or employed beyond the number of courts actually at work; and

(*iii*) that as a result a large number of the officiating munsifs appointed so far back as 1930 have been out of employment for over two years?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Member be pleased to state whether any appointment as munsif was made last year, and if so, the reasons therefor?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) (*i*) Yes.

(*ii*) Yes, unless a munsif is appointed to a special post.

(*iii*) No officiating munsif has been continuously out of employment for over two years.

(*b*) Two candidates selected in 1931 and assured of appointments were appointed in 1932, as otherwise they would have become age-barred.

Babu AMULYADHAN RAY: Will the Hon'ble Member be pleased to state why the assurance was given and who gave the assurance?

The Hon'ble Sir WILLIAM PRENTICE: I want notice.

Babu AMULYADHAN RAY: Will the Hon'ble Member be pleased to state who the candidates are?

The Hon'ble Sir WILLIAM PRENTICE: If the hon'ble member will look up the Civil List, he will find their names there.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to give us the names of the places in which munsifs have been abolished?

The Hon'ble Sir WILLIAM PRENTICE: I must ask for notice.

Maulvi ABDUS SAMAD: Is the Hon'ble Member aware that in the district of Murshidabad there are two officiating munsifs who are out of employment for more than two years?

The Hon'ble Sir WILLIAM PRENTICE: If the hon'ble member will give me the names, I will verify the facts.

Assets of Noabad taluks in khas mahals in Chittagong.

*18. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) what were the assets of the Noabad *taluks* and *jotes* in each of the *khas mahals* in Chittagong before the revisional survey;

(*ii*) what are the assets of the said *taluks* and *jotes* as arrived at after the revisional survey; and

(*iii*) what are the grounds for the increase of revenue?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) and (*ii*) As rents of *jotes* have not been fixed (except where they are tenures) on the basis of assets either in the present or in the previous settlement, the information sought is not available.

As for *taluks* a statement is laid on the table.

(*iii*) (*a*) Enhancements on the ground of rise in prices of staple food crops as calculated under section 30 (*b*) of B. T. Act.

(*b*) Increase in cultivated area.

(*c*) Changes in the classification of the cultivated and cultivable area due to conversions since last settlement.

Statement referred to in the reply to starred question No. 18 (i) and (ii) showing assets of Noabad taluks in khas mahals in Chittagong.

Estate No.	Assets of taluks (in the estate) in the last settlement.			Assets of taluks in the revisional settlement.		
	Rs.	A.	P.	Rs.	A.	P.
34609 Part I (agricultural portion)	1,19,143	4	0	1,73,164	5	0
Part II (Non-agricultural portion)	4,230	14	3	8,923	8	0
34610	55,761	8	8	72,731	11	2
34611	1,11,611	13	8	1,56,512	9	6
34612	1,33,697	4	0	2,18,658	9	0
34613	1,99,025	6	3	3,19,395	3	6
	6,23,500	2	10	9,49,585	14	2

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state what was the proportion of enhancement due on the ground of (*iii*) (*a*)?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot remember just now and would like to ask for notice if I have to answer it more fully; but I do remember that this matter was debated during the last budget time or on a resolution and it was pointed out that the enhancement was less than half of what would be justified on the ground of rise in prices of food stuff.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will that enhancement be justified now in view of the fact that the price has gone down to one-third?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, I think so. The point about fall in price and rate of rent was debated during budget time.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Does the Hon'ble Member consider that the enhancement is fair and equitable?

The Hon'ble Sir PROVASH CHUNDER MITTER: So far as I remember I pointed out that it would be fair even on the present low market price.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that under section 35 of the B. T. Act the increase may be suspended on account of hardship?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, it deals with an analogous principle.

Maulvi SYED MAJID BAKSH: Was that section taken into account?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the hon'ble member would refer to the proceedings of the Council during the last budget discussion, he will find that I assured the House that in suitable cases of individual hardship, if the parties concerned approached the Collector, the matter would be inquired into. I cannot at this stage go into the matter more fully.

Supply of electric power to the town of Bankura.

*19. **Babu SATYA KINKAR BAHANA:** Will the Hon'ble Member in charge of the Commerce Department be pleased to state—

(*i*) for how many years the question of supplying electric power to the town of Bankura is before the Government;

(*ii*) how many parties of contractors, one after the other, undertook to do the work;

(*iii*) who are the contractors for that purpose at present;

(*iv*) what are the stipulated periods during which the work is to be begun and finished;

(*v*) whether the present party of contractors has begun the work;

(*vi*) what was the amount of money deposited by each contracting party as security for the fulfilment of the contract;

(*vii*) whether the security deposit of each of the previous parties of contractors was forfeited for non-fulfilment of the contract;

(*viii*) what steps the Government have been taking or are contemplating taking for facilitating the supply of electrical power to Bankura town?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*i*) Since November, 1930.

(*ii*) Three applications to supply electrical energy to the town of Bankura were received in 1930 and 1931.

(*iii*) A license called the Bankura Electric License, 1932, was granted to Messrs. B. N. Elias & Coy., Ltd., Calcutta, under Commerce Department notification No. 7531-Com., dated the 20th December, 1932.

(*iv*) Under the Bankura Electric License the licensees are required to commence work within six months of the grant of the license and to complete the compulsory works within three years.

(*v*) It is reported that work is in progress.

(*vi*) and (*vii*) A security deposit of Rs. 7,500 has been paid by Messrs. B. N. Elias & Coy., Ltd. No deposit was paid by the other applicants, as a deposit is required only after a license is granted.

(*viii*) Government have granted a license to Messrs. B. N. Elias & Coy., Ltd., Calcutta.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state with reference to (*v*) what kind of work is in progress—whether it is a building work or acquisition of land or selection of sites, etc.?

The Hon'ble Mr. J. A. WOODHEAD: I am afraid I have not got particulars. I must ask for notice.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state the source of his report that the work is in progress?

The Hon'ble Mr. J. A. WOODHEAD: The officials in the department.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state the names of the other applicants for license?

The Hon'ble Mr. J. A. WOODHEAD: There were two other applicants—Dr. J. N. Basu and Babu Nagendra Nath Dutt.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to mention the principle that has been followed in selecting the candidate?

The Hon'ble Mr. J. A. WOODHEAD: The candidate who was considered the most suitable.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state whether six months have passed since the license was granted to Messrs. B. N. Elias & Co., Ltd.?

The Hon'ble Mr. J. A. WOODHEAD: Yes, Sir. I would refer the hon'ble member to reply (*ii*).

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Introduction of Provident Fund in the Bengal Government Press.

8. Mr. MUKUNDA BEHARY MULLICK: (*a*) Is the Hon'ble Member in charge of the Finance Department aware—

(*i*) that the introduction of the system of Provident Fund in the Bengal Government Press was recommended so far back as 1926 by the Bengal Piece-workers' Committee;

(*ii*) that the Hon'ble Mr. Marr, the then Finance Member with the Bengal Government, on different occasions promised to introduce the Provident Fund system in the Bengal Government Press as soon such a scheme was approved by the Secretary of State for India and introduced in the Government of India Press, Calcutta; and

(*iii*) that the Provident Fund system has been introduced in the Government of India Press, Calcutta, since 1930 after due approval by the Secretary of State?

(*b*) Is it a fact that when the Secretary, Press Employees' Association, Calcutta, a registered and recognised body, placed the matter before the Hon'ble Finance Member on the 12th April, 1932, the Hon'ble Finance Member was pleased to promise an early inquiry?

(*c*) Is it a fact that the Provident Fund system has not yet been introduced in the Bengal Government Press?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the reasons for not introducing the Provident Fund system in the Bengal Government Press up till now; and

(*ii*) whether the Government intends introducing it in the said Press? If so, when?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): The member is referred to the answer given at this session to a similar question by Rai Bahadur Gokul Chand Bural.

LEGISLATIVE BUSINESS

GOVERNMENT BILL

The Calcutta Municipal (Amendment) Bill, 1933.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(*1*) Babu Jatindra Nath Basu,

(*2*) Babu Sarat Chandra Mitra,

(*3*) Mr. S. M. Bose,

(*4*) Mr. Narendra Kumar Basu,

(*5*) Mr. Sarat Kumar Roy,

(*6*) Mr. A. Raheem, C.I.E.,

(*7*) Maulvi Muhammad Saadatullah,

(*8*) Maulvi Abul Kasem,

(*9*) Khan Bahadur Maulvi Azizul Haque,

(*10*) Khan Bahadur Muhammad Abdul Momin,

(*11*) Mr. D. J. Cohen,

(*12*) Mr. C. C. Miller,

(*13*) Mr. H. P. V. Townend,

(*14*) Rai Bahadur G. C. Sen,

(*15*) Rai Bahadur Dr. Haridhan Dutt,

(*16*) Mr. A. K. Fazl-ul Huq, and

(*17*) myself,

with instruction to submit their report by the 16th August, 1933, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the House may remember that this Bill was formally introduced towards the end of the last session. As the Bill was already published in the *Calcutta Gazette* and as there was no motion before the House on which I could speak explaining its necessity and provisions and as some of the clauses would come into force from the date of introduction of the Bill, if passed by the House, I tried to explain the measure through a communiqué issued on the 1st of April last.

The ministry has assumed a great responsibility in bringing forward this Bill and would not have done so if Government were not convinced

that it was essential in the interest of the civic administration of Calcutta and for the proper working of the Calcutta Municipal Act, 1923, in its proper spirit.

The object of the Bill is two-fold, viz., to put a stop to appointment of persons convicted for offences against the State and other anti-Government activities and to confer on the Corporation right to be reimbursed through disallowance, surcharge and charge of the loss of its property or waste of funds due to neglect or misconduct of its employees or of Councillors or Aldermen or members of committees.

Government afforded ample opportunity to the Corporation to mend matters by drawing its attention to the appointment of undesirable persons as teachers of the primary schools and inquiring what disciplinary action the Corporation had taken or proposed to take against teachers convicted for taking part in the Civil Disobedience movement. To this inquiry the Corporation replied that it was not responsible for political activities of its employees outside their office hours. According to the Corporation Civil Disobedience was not an offence for which any disciplinary action should be taken because it did not involve moral turpitude and the teachers were given leave during their term of imprisonment because leave was due to them.

I will quote here a portion of the Corporation's reply to Government letter under section 15 of the Calcutta Municipal Act about the Education Department.

This was the resolution which was adopted by the Corporation at its meeting on the 1st and 2nd August:

"That the Corporation is emphatically of opinion that in administering the affairs of the city entrusted to its care under the Calcutta Municipal Act it has acted in strict conformity with and within the limits imposed by the Act, that the various heads and sub-heads (*ii*) to (*v*) are matters entirely within the rights of the Corporation under the Act and that Government be informed that the Corporation does not feel called upon in the said letter to send any reply to these points as the opinion called for is in the possession of Government in the official minutes of proceedings."

Then they go on to say that it is no part of the Corporation's duty to look into the political activities of its teachers outside the school hours.

Sir, in another letter issued simultaneously with the first letter about the Education Department, Government wanted certain information from the Corporation on the following four points: (1) delay in disposal of Audit Reports, (2) disposal of business by the Corporation and Standing Committees, (3) appointments, contracts and contractors, (4) about contribution to libraries, clubs and other public associations.

In this letter Government suggested in very general terms certain irregularities on the points mentioned above and invited co-operation in the Corporation in removing these defects through amendment of the Act if necessary. After a full consideration the Corporation sent a very unsatisfactory reply on certain points and refused to give any information on other points.

This attitude of the Corporation left no other alternative to Government but to bring this Bill without any further reference to it. The Bill has been framed only to prevent the misuse of civic powers for political ends and to ensure that members of the Corporation should face their responsibility for proper administration of the city according to the spirit of the Calcutta Municipal Act. Many instances of maladministration have been brought to the notice of Government such as open violation of Building rules, undermining of the position and powers of the Chief Executive Officer, delay in disposing of appointments, etc., which would require a more comprehensive amendment of the Act and some of which were mentioned in the second letter to the Corporation. But Government have limited this Bill only to the most urgent needs, urgent from the point of view of the State in general and of the ratepayers of Calcutta in particular.

After all the Legislature is supreme and a local body is a creature of the statute passed by the Legislature. If any Act is not administered in its proper spirit and taking advantage of the privileges granted to the local body if its resources are improperly used, it is the clear duty of Government to bring it to the notice of the Legislature by initiating legislation to prevent such abuses. The Bill has therefore been placed before the House purely out of a sense of duty in the best interests of the civic administration of Calcutta and not in a vindictive spirit to deprive the Corporation of its autonomy or the ratepayers of their privileges as it is alleged to be. The object of this Bill, on the other hand, is to protect such rights and to prevent their being exploited and to put a stop to the use of the Corporation resources in a manner antagonistic to the interest of the State.

The Bill divides itself into two parts; clauses 4 to 6 deal with appointments, and 7 to 11 with audit, disallowance, surcharge and charge, the right of appeal by persons aggrieved by the disallowance and surcharge to the civil court and also rule-making powers of Government to give effect to the provisions of the Bill.

The object of the first three clauses dealing with appointments is to prevent the Corporation from appointing terrorists, persons actually convicted for terrorism or persons convicted for taking part in the Civil Disobedience movement or for any other anti-Government activities or to prevent the continuance of persons convicted of such offences in the Corporation service. The Corporation in their reply, as I have already mentioned, definitely refused to take responsibility for activities of their

employees outside office hours. Need I say that this is an absurd position to take up for a public body, a body created by statute and no Government can acquiesce to it. That the Corporation has in its service some of the notorious terrorists, persons convicted for murder and dacoity both before and during their term of service under that body is a matter of record. I can show from the record that such persons——

Mr. SHANTI SHEKHARESWAR RAY: Name them.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I shall. It is not desirable to mention all the names but for the information of the House I would refer only to a few instances.

First of all I would refer to the case of Fanindra Mohan Mukherji. This man was in Dacca with several other youths, all of whom were sent up for committing dacoity. In 1925 he was appointed head master of a Corporation free primary school at 152-B, Balliaghata Road.

Mr. NARENDRA KUMAR BASU: What was he convicted of and in what year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He was convicted of dacoity in 1915.

Mr. NARENDRA KUMAR BASU: What was the sentence and was the conviction upheld on appeal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have not got the details here.

Maulvi SYED MAJID BAKSH: Why is the Minister concealing facts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I protest against the remarks of Maulvi Saheb. There are certain informations which are secret and cannot be divulged in public interests.

Mr. PRESIDENT: It is up to you to ignore such loose remarks.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Thank you, Sir. The next name is that of Suhashini Ganguly. She was arrested at Gondalpara (Chandernagore) along with Sasadhar Acharyya who gave shelter to some terrorists. There, after exchange of shots with the police Annada Chandra Gupta, one of the absconders of the Chittagong armoury raid case, was arrested with others. Suhashini was one of the teachers in a Corporation primary school.

Mr. NARENDRA KUMAR BASU: She was never convicted. She was sent up and afterwards discharged.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want to show what sort of persons the Corporation employs as its teachers.

Mr. NARENDRA KUMAR BASU: How will the Bill stop the employment of persons arrested but not convicted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I mention their names to the House in order to enable it to draw its own inference. I will just mention the case of Nikhil K. Guha convicted under section 396, I.P.C., on the 15th July, 1916 and sentenced to transportation for life. He was released in 1926; he was subsequently employed as a primary school teacher by the Corporation. He has since been dealt with under the Bengal Criminal Law Amendment Act.

Then I take the case of Preonath Ganguly who was convicted under section 124-A, I.P.C., on 29th June, 1925. After his conviction he was employed as a teacher in the Corporation primary school.

Mr. NARENDRA KUMAR BASU: Have you got particulars of the sentences?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, I have not got them here.

Then, I come to the case of A. K. Chakrabarti who was arrested, while employed as a Calcutta Corporation primary school teacher, on the 11th February, 1925.

These are some of the instances which I mention. There are many others but I do not wish to mention all of them here.

These are only two instances which I am mentioning here. There are many besides but I do not like to mention them all; I am mentioning these as typical instances in order to give the House an opportunity of inferring what class of people are being employed by the Corporation as teachers or as employees in its other departments, and if necessary further details may be placed before the Select Committee, because there are at least 60 of them——

Mr. NARENDRA KUMAR BASU: What is the total number of employees in the Corporation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is more than what I can say.

Mr. P. BANERJI: I can give you this information; the number is 20,000.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The serious nature of the crime for which these persons were convicted, I hope, would clearly demonstrate the correctness of my allegation and of the necessity of providing against the appointment of such persons by limiting the field of choice. It can never be reasonably claimed by anybody, and much less by a public institution, that it should be given an unfettered choice about its employees, including dangerous terrorists as officers and teachers in its primary schools. It may be argued that terrorism has its root in unemployment and it is therefore expedient to find suitable appointments for persons convicted of terrorism, which may cure them. It can never be accepted as a general proposition, which means paying high premium to assassination and other violent crimes. But Government do appreciate the argument that in some cases employment may cure the wrong-doer. I may mention here that Government have never adopted a vindictive attitude to persons convicted or suspected of terrorism and have given or approved of their appointments whenever they had reasons to believe that the candidate had ceased to be a terrorist and was anxious to settle down in life.

Mr. NARENDRA KUMAR BASU: Not when they wanted to join service under the Corporation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I am coming to that. I would refer to the appointment of Abinash Chandra Chakrabarti, as Assessor of the Calcutta Improvement Trust Tribunal, which was sanctioned by me as Minister in charge of this department in December, 1930. He was implicated in the Alipore Bomb Case.

Mr. NARENDRA KUMAR BASU: Was he convicted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have said "convicted or suspected." The decision as to who are curable and who are incurable must lie with Government and not with a local body. Moreover, the Corporation is not expected to have full opportunity of knowing the antecedents and movements of persons whom it wants to reclaim through offering appointments. Their movements must be from their very nature of a secret character; nor is it possible for the police to place all facts before the Services Committee or the Chief Executive Officer of the Corporation.

This Bill provides that the local Government may on application of persons disqualified from an appointment, or of their own motion, exempt such persons from disqualification. They can also condone a person convicted during service. Clause 4 (5) (2) is proposed to have a retrospective effect, and April, 1930, the date of the Chittagong raid, which may be reasonably taken as a definite date of serious recrudescence of terrorism in Bengal, has been fixed for this purpose.

Mr. NARENDRA KUMAR BASU: You mean the 1st of April, for April is a month and not a date.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, the 1st of April.

Clause 4 (5) (1) (3) provides that the persons whose conviction has been set aside by a civil court will be reinstated from the date of such order of the court.

All these provisions clearly show that the measure is purely preventive and is by no means vindictive. They are meant only to prevent the Corporation appointments being looked upon as prizes for revolutionary activities for which many may compete though only one will win the reward. We had it from one of the members of the Services Sub-committee of the Corporation that imprisonment is often mentioned by candidates in their applications in the hope that such mention would weigh with the members of the Services Committee and improve their chances of appointment.

Besides the employment of terrorists the Corporation has on its own admission in its service 30 teachers who, while in the Corporation service, were convicted of Civil Disobedience and the Corporation granted them leave during the period they were in jail. About 35,000 students receive their education in the Corporation primary schools. It is indeed undesirable, nay, I should say dangerous, to expose these impressionable young boys and girls to the influence of teachers, holding and preaching anti-Government views, and I am sure no responsible guardian approves of the idea of his ward being brought in contact with persons taking part in the revolutionary movement. It is the duty of the State to put a stop to this deplorable situation as early as possible. Apart from the political and the moral side of the question, I am also very doubtful of these teachers being able to devote their time and attention to teaching to the extent they should.

Mr. NARENDRA KUMAR BASU: Has any inquiry been made into this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That certainly requires no inquiry. It is being seriously argued that after all 30 is

a very small number out of a total of 1,200 teachers. That is so. But I may remind the House that 30 is the number of persons actually convicted; the number of teachers taking part in the Civil Disobedience movement was much larger. Over and above this the Chief Education Officer of the Corporation is a high priest of the Civil Disobedience movement. He was sentenced to rigorous imprisonment for three months for taking part in one of the recent demonstrations in Calcutta. He supervises the education and training of 35,000 young students. If the idea is to train up these future citizens of Calcutta as terrorists or communists the arrangement may be quite all right, but if it is the desire of the ratepayers of Calcutta to train up their children as useful citizens, then the sooner this arrangement is put a stop to, the better. It is certainly risky to allow this all important branch of the civic administration to be controlled by a person holding revolutionary views and courting imprisonment in furtherance of those views. May I know what guarantee is there that the Education Officer does not try to thrust his own political views on the Corporation primary schools?

These are certainly clear instances of the Corporation's resources being used for political purposes.

In clause 4 (3) certain definite duties are cast on the Corporation about inquiring into the antecedents of candidates before offering them appointments. As the Corporation has renounced all responsibilities for the political activities of their officers outside office hours and as the Act provides no means of enforcing such responsibility on it, the first three clauses were necessary. Appointments made in contravention of these clauses are proposed to be made illegal, and any expenditure on that account will be disallowed, surcharged and charged against persons sanctioning such illegal expenditure.

I would now try to explain the second portion of the Bill.

Sections 121 to 123 of the Calcutta Municipal Act deal with municipal accounts. Section 121 provides for the appointment of auditors. Section 123 provides that the Corporation shall report to the Local Government the action or defects pointed out by auditors and gives power to the Local Government to pass such orders as they like on the report. Unfortunately these provisions have proved quite ineffective. There have been several instances in which the Corporation have been found to have acted in defiance of them and in which Government have been faced with this difficulty that they must either condone the irregularities or take action so drastic as seriously to affect the interests of the ratepayers. Provision has accordingly been made in the Bill to strengthen the position of the auditors and also to introduce the system of disallowance and surcharge which, in Great Britain, has proved an effective barrier against illegal actions by members of Corporations. This proposal will not encroach upon the existing privileges or powers of the Corporation and will be quite consistent with

the spirit of the Act. The system of surcharge is meant to safeguard the interests of the rate-payers and, as a method of enforcing the law, appears to be preferable to any other system.

The power of disallowance and surcharge and charge will apply to any expenditure illegally incurred after the 31st March 1932. I may mention here that if this clause is accepted by the House Government will see that it may not affect anybody with reference to any work or scheme already taken in hand or sanctioned. It was introduced only to prevent such irregularities being continued after the introduction of the Bill.

The Local Government have been given the right to set aside and modify surcharge or charge. This is necessary to get over cases where the loss is due to a *bona fide* mistake or unavoidable circumstances and gives power to Government to regularise expenditure responsibly incurred. This provision is necessary as the Bill gives no discretion to the auditors. I may mention that the auditors are the Accountant-General of Bengal and the Examiner of Local Accounts as provided for in section 121 of the Calcutta Municipal Act. So there is no proposal for appointing special auditors to give effect to the provisions of the Bill.

A person from whom any sum has been certified by the auditors under section 123B may appeal to the Civil Court. The Court may go into the question of fact and law in deciding the appeal. The person aggrieved may also appeal to the Local Government if he so chooses. These provisions about disallowance, surcharge and charge have been criticised as unnecessary innovation altogether unjustifiable and it is said that they will render the Corporation unworkable. In reply to this criticism I may submit that they are no innovations at all; in fact they are recognised as necessary safeguards in all democratic local bodies. No public body should be afraid of audit, rather should welcome it. In reply to the criticism that this provision is entirely novel and has no counter-part in the system of audit which prevails in Great Britain it may be stated that in England and Wales the accounts of all county councils (including the London County Council and 28 Metropolitan Boroughs) and urban and rural district councils and about 50 Municipal Boroughs are audited by District Auditors who have powers of disallowance and surcharge. In regard to the remaining municipal boroughs the education accounts, the various housing accounts and the public assistance accounts (Poor Law) are all subject to District Audit. Audit both of county councils and borough account is done by District Auditors of the Ministry of Health with powers of surcharge subject to appeal. This system comes into force through section 14 of the London Government Act which applies to the accounts of boroughs the provisions of section 71 of the Local Government Act which apply *ipso facto* to the London County Council.

In Scotland the Secretary of State for Scotland is empowered to appoint auditors for County Councils and all town councils (see section 15, Local Government Act of Scotland, 1929, Schedule III). The surcharge is made by the Secretary of State on the report of the auditor but is recoverable by the auditor.

The system of surcharge is in force in the city of Madras under the Madras City Municipal Act, 1919 (Madras Act IV of 1919, Schedule V, Part III). The system has also been in force in Bihar and Orissa under the Bihar and Orissa Act II of 1925, in Bombay under the Bombay Act XXV of 1930, in Assam under Assam Act II of 1930 and in the Madras District Municipalities under the Madras Act V of 1920. We have on record that the system has been working satisfactorily in Bihar and Orissa for the last 8 years and in Madras for the last 13 or 14 years. Only yesterday the Secretary in the Local Self-Government Department received a wire from Madras saying that the system has been working very satisfactorily in Madras. (Dr. NARESH CH. SEN GUPTA: Madras is a very small place). So you seem to think: that is the egoism under which we labour. If there has been no complaint regarding the working of the system in the Madras city, there is no reason why the system will be found unworkable in Calcutta.

The next line of criticism is why this provision should be introduced in the Calcutta Municipal Act when it was not done originally. To this my reply would be that it is a lacuna in the Act and should be removed in view of the experience of the last 10 years of the working of the Calcutta Municipal Act. Sections 121 to 123 have proved ineffective and there is a deliberate tendency on the part of the Corporation to evade section 14 under which Government sanction is obligatory. These sections having proved ineffective the system of audit has proved a failure and the Corporation has suffered loss because of this ineffectiveness.

Successive reports of the Accountant-General have shown that there has been inordinate delay on the part of the Corporation in disposing of these audit objections and that while year after year irregularities of the same nature have been pointed out by the auditors very little attempt has been made by the Corporation to rectify such irregularities, with the result that they continued from year to year. It will be admitted on all hands that delay in attending to audit irregularities practically nullifies the value of the audit, and we have it on the authority of the Accountant-General that such unusual delays as have been disclosed in the audit report have made it possible for several irregularities to continue from year to year.

I will quote from a statement which shows how the audit reports have been dealt with by the Corporation—

The audit report for 1923-24 was received from the Accountant-General, Bengal, on 1st July, 1925. The date on which report was called for from the Corporation was 28th June, 1925 and the date on which report was received from the Corporation was 2nd August, 1929.

(Here the Hon'ble Minister reached his time limit but was allowed to continue.)

The audit report for 1924-25 was received from the Accountant-General, Bengal, on 3rd September, 1926, but was not disposed of by the Corporation till 2nd August, 1929. The audit report for 1925-26 was received from the Accountant-General, Bengal, on 24th September, 1927, but was not disposed of by the Corporation till 2nd August, 1929. The report for 1926-27 which was received on 12th July, 1928, was not disposed of by the Corporation till 12th February, 1931. The report for 1927-28 was received on 1st August, 1929 and was not disposed of till 21st January, 1932.

To make the position clear I will read out relevant extracts from audit reports of the Accountant-General on the accounts of the Corporation for the years 1926-27 and 1927-28. The Accountant-General says—

"Despite repeated assurances from the Chief Executive Officer, hardly any improvement is perceptible in the disposal of audit reports, and in giving replies to the audit objections raised during the course of audit. The audit reports for 1923-24, 1924-25 and 1925-26 have not been placed before the Corporation yet. It is understood that the report for 1923-24 only has been dealt with by the executive and that it will come up before the Corporation, after it has been considered by the Finance Committee. It is difficult to say when the reports for 1924-25 and 1925-26 will be placed before the authorities and when action will be taken on them. It must be apparent to all that such delays in the disposal of audit reports nullifies the value of audit, as omissions, frauds and negligence can hardly ever be rectified effectively two or three years after the events have happened. I bring this matter especially to the notice of all who have the welfare and efficiency of the Calcutta Corporation at heart."

In the interests of the rate-payers it is considered necessary that the audit reports of the Accountant-General, Bengal, which discloses every year a series of irregularities—some of which are important and call for urgent remedy—shall be published and made available for sale to the public (*vide* new section 123A).

It has been argued that the audit reports of the Accountant-General do not disclose any irregularities or defects of such magnitude as to call for a remedy of such a drastic nature. Apart from the instances of illegal expenditure specifically referred to in the audit

reports for the years 1930-31 and 1931-32 the following few instances of irregularities may be cited in support of the provision:—

(*i*) In successive audit reports of the Accountant-General it has been pointed out that the outstanding balance of rate bills and miscellaneous bills has been steadily increasing from year to year.

A statement has been prepared showing the manner in which outstandings have increased from a total of Rs. 1,02,593 in 1920-21 to approximately Rs. 36 lakhs in 1932-33. It will be quite evident that the steady increase in the outstandings can hardly be attributed solely to trade depression and general financial stringency. In 1923-24 the amount of outstanding rate bills in the hands of the Collector was Rs. 53,000 while the outstanding in the Law Department was about Rs. 38,000. In the next year (1924-25) the former rose to Rs. 1,78,740 while the latter rose to about Rs. 80,000 and the total increased by about Rs. 2 lakhs. In the year 1927-28 the outstanding rate bills in the hands of the Collector amounted to Rs. 3,37,519 and the outstanding in the Law Department rose to Rs. 2,65,502, while the total increased by about Rs. 4 lakhs over the total of the 1924-25. Sir, some of these amounts have already been time-barred and the Corporation is bound to lose on that account. In fact this point was raised, I am glad to admit, in one of the meetings of the Finance Committee of the Corporation by Mr. Anandaji Haridas.

(*ii*) The question of the evasion of section 14 and section 97 of the Act in connection with the various electrical schemes has already been referred to in the communiqué issued on 1st April, 1933.

It is essential to refer to the electrical works of the Corporation, because it is chiefly the attitude of the Corporation towards these works that has made action by Government inevitable. There is no need to go into the details of the dispute. The case against the Corporation is that they deliberately evaded section 14 of the Act, which prescribes sanction of Government for projects costing more than Rs. 2,50,000.

The Corporation have been building up a small but complete scheme of generating and distributing system of electricity in Calcutta. They have generating plants at Tallah and Palmer's Bridge, switch-gear at both these places and cables from these, *via* Mallik Ghat, to Ballygunge; and from Palmer's Bridge to Ballygunge. They have not explained the scheme to Government, and they have not asked for sanction for it; they have simply asked for sanction for different component parts of their scheme. Practically, in effect, not disclosing the fact that they have any scheme at all.

Government take the view that the generating plant, the switch-gear, and the cables constitute one series of works for generating and

distributing electricity, and since they cost more than Rs. 2,50,000, the Corporation ought to have asked Government sanction to them as one project under section 14 of the Act.

The Corporation, on the other hand, explains that these works are different and separate, and that each forms part of some other scheme. If this argument is to help them, each of these works must form an integral and inseparable part of another scheme. Government consider that the Corporation ought to have realised this and to have seen that the works amounted to one project. This is not as if they had not been considering a scheme for generating and distributing electricity. They had before them at the very time when they began asking Government to sanction the part of the works Dr. Dey's comprehensive scheme for generating electricity in Calcutta. I may quote some dates which are very relevant. The comprehensive electrical scheme was put up before the Sub-Committee of the Corporation in August, 1930. In October, 1930, the proposal to substitute electric pumps in Schemes VIII and VIIIA was put up before the Works Standing Committee, and at the same time the alternator at Tallah, the switch-gear at Palmer's Bridge and the cable from Tallah to Ballygunge were mentioned. Dr. Dey's comprehensive scheme was sanctioned by the Corporation on the 22nd December, 1930. By that time, the Corporation had accepted a tender for the alternator at Tallah and had sanctioned electric pumps and a switch board at Palmer's Bridge, as well as electric pumps at Ballygunge and the cable from Tallah to Ballygunge. Now, the Corporation in its explanation to Government have insisted that all the electrical works to which Government took exception were designed in such a way as to fit in with the comprehensive electrical scheme, although they did not form actual part of it. The question at once arises why the Corporation did not make them a part of it, and to this no satisfactory answer can be given. Whether it was wise to have two schemes to deal with the same project is another question which may be raised.

It is clear that the Corporation ought to have known that the various electrical works amounted to one project requiring sanction under section 14 of the Act. The Corporation did not ask for such sanction after explaining precisely what the project was, but came up for sanction, including modifications of schemes for generating and distributing electricity. Government are advised that the whole system forms one scheme, and therefore sanction under section 14 is obligatory. The Corporation acted in such a way as to make it appear that it attached no importance to sanction of Government, *e.g.*, it accepted tenders for electric pumps at Palmer's Bridge only 20 days after asking for sanction from Government, from which it appears that there has been a radical change of policy. Twenty days were obviously quite inadequate for examining a scheme of this kind which is full of technical difficulties.

Again, the Corporation accepted a tender for the alternator at Tallah in December, 1930, without asking for Government sanction although the Corporation meant to use with it a turbine-engine purchased from the loan funds for the Moore-Bateman Scheme; and the use of which for any other purpose required Government sanction. Here section 97 was violated. The Corporation accepted a tender for the cable from Tallah to Ballygunge in June, 1931, without asking for Government sanction, although on its own showing it involved a modification of Scheme XV. Thus, in any case, it is quite clear that the Corporation ignored sections 14 and 97 of the Calcutta Municipal Act which necessitated Government action. The details of this scheme are very complex, and I do not propose to trouble the House with them.

Dr. NARESH CHANDRA SEN GUPTA: How much did the ratepayers lose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: About Rs. 80,000. I will now refer to some of the irregularities and I hope I shall be able to convince Dr. Sen Gupta that the ratepayers did lose some money.

The Executive Engineer, Water Works, reported to the water-supply committee on the 1st October, 1931, that some of the Corporation motor lorries detailed for Garden Reach had to be transferred to Manicktolla, Cossipore and Kalighat areas on account of low pressure of filtered water and that he had to engage private motor lorries for Garden Reach. The cost of hire of these lorries was estimated to be Rs. 47,200 against budget provision of Rs. 9,700 only for three months in 1931-32 under the head B. I. 66-D (*a*). The Chief Accountant reported on 12th March, 1932, that the procedure adopted in this case was irregular and objectionable as neither sanction was obtained to the estimate nor tenders were invited in the usual way and that greater irregularity was done when liability was incurred for which there was no adequate budget provision.

The next item of irregularity is the scheme for the improvement of water-supply in Calcutta at a cost of about Rs. 2,65,78,000 which was sanctioned by the Local Government in 1922. Owing to favourable rate of exchange the net cost of the scheme was estimated to Rs. 2,54,78,000. The Chief Accountant reported that Rs. 2,40½ lakhs was spent up to 31st October, 1931, and the unpaid value of work for which tenders had been accepted was about Rs. 11 lakhs. The Engineer has submitted a further list of works amounting to Rs. 27 lakhs to complete the scheme. Thus the estimated cost of the scheme is likely to be exceeded. The sanction of the Local Government has not been obtained for the works done, which were not included in the scheme and for the revised estimate.

I now come to the next item of irregularity. In the original estimate Rs. 50,000 was provided for the removal of engines and machinery from the pressure station to the in-take station. This estimate was raised to Rs. 1,12,800 in the revised estimate. On 16th July, 1933, the Corporation passed an estimate for Rs. 1,58,000 (including Rs. 9,807 for the cost of replacement of worn-out parts). The tender of Messrs, Indo Swiss Trading Co. was accepted by the Corporation on 14th January for Rs. 1,55,502 *plus* Rs. 9,807 for the cost of replacement of worn-out parts. After sometime the estimate for the renewal of the worn-out parts was increased from Rs. 9,807 to Rs. 1,16,506. The Chief Accountant commented on the increase of this latter estimate, but in spite of his advice the Corporation in a meeting dated 23rd August, 1932, sanctioned the revised estimate of Rs. 2,72,008 (namely, Rs. 1,55,502 for shifting machinery and Rs. 1,16,506 for renewal of worn-out parts) and entrusted the work to Messrs. Indo-Swiss Trading Co. in contravention of section 67 (*c*) of the Act. Sanction of the Local Government has not been obtained under section 14 and no agreement has been executed by the contractors.

The fourth instance of irregularity is that no agreement was executed by Messrs. Bando & Co. in respect of half of the contracts No. 21 and 63 at a total cost of Rs. 3,13,529. The Chief Accountant reported on 13th February, 1931, that the non-execution of a written agreement with Messrs. Bando & Co. resulted in the total excess of Rs. 1,22,676 over the original amount of contract. In spite of this, advance was paid under the order of the Chief Executive Officer during 1931-32 without the execution of an agreement.

Messrs. Kar & Co. submitted a bill for Rs. 12,47,075—this is the fifth instance of irregularity—for contract No. 9A—construction of additional filter bed at Palta to be completed in 70 weeks' time. The work was however completed at the end of the year 1930-31, *i.e.*, in about six years. The penalty clause of the agreement was not enforced for the delay, and sanction of Government was not obtained for the extension of time for the completion of the work.

As another glaring instance of how the Corporation has suffered loss on account of bad collection of its revenue I would like to refer to the motor vehicles tax as collected in Calcutta while the Corporation was in charge of it and how it improved since it was transferred to Government under the Motor Vehicles Tax Act of 1931. This one instance is enough to prove conclusively that there is something wrong in the affairs of the Corporation, and unless adequate steps are taken to enforce proper audit of Corporation accounts and strict method of realisation is adopted saddling financial liability on officers responsible for loss of revenue, the rate-payers of Calcutta stand to lose. The total collection of the Corporation in the 1927-28 for private cars, lorries, taxis and buses was Rs. 3,61,134, in 1928-29 Rs. 3,87,369 and in 1929-30

Rs. 4,25,508 whereas in 1931-32 that is after the introduction of the Motor Vehicles Tax Act only the private cars paid tax totalling Rs. 7,60,905, although for nine months almost all of them paid no more than Rs. 40 against Rs. 48 paid to the Corporation. The Corporation should have collected at least Rs. 8,11,632 from the private cars alone and about Rs. 9,00,000 in all against Rs. 4,25,000 the maximum that was ever collected from all classes of vehicles. Thus the rate-payers of Calcutta lost nearly 5,00,000 every year or Rs. 15,00,000 in three years.

Sir, I hope I have now succeeded in proving conclusively that affairs are not quite sound in the Corporation and they justify provisions which will check waste of public money and enforce obedience to the statute. It is true that the Act of 1923 has given considerable freedom from official control to the Corporation. But it was never the intention of the Legislature to invest the Councillors and Aldermen with powers to evade the statute. By appointing terrorists in the Corporation service, by granting leave to teachers during their terms of imprisonment, by asserting that it was no part of the Corporation's duty to look into the political activities of their officers outside the office hours, the Corporation has given sufficient indication of its inclination to disregard the statute and thereby to act in a manner quite contrary to the intention of the Legislature.

So also with regard to audits, sections 121-123 have proved absolutely ineffective. Successive audit reports have been completely ignored, provisions of the statute about Government sanction have been deliberately violated and the rate-payers have suffered loss. We have been told that the rate-payers know their own interest. If they have re-elected the councillors, what justification can there be of legislative interference? My submission is that their ignorance of the real state of affairs and lack of interest in the details of the civic administration are being interpreted as their approval or acquiescence. Moreover, by keeping politics in the forefront the rate-payers' attention has been diverted from the civic to the political questions and full advantage of this situation is being taken by persons who want to maintain their control over the Corporation for political purposes. Without questioning the verdict of the electorate I venture to submit that in a matter like this it is the wisdom of the Legislature which should decide on facts whether its intention is being fulfilled or not and whether there is any necessity for amending the statute or not. The Government have drawn its attention by initiating legislation but the final decision lies with the Legislature.

I may repeat here that this Bill contemplates no encroachment on the autonomy of the Corporation in any way nor there is any proposal for investing the Local Government with full powers of control over that body. In fact the Local Government do not come into the picture at all except as a condoning authority in two cases and as an

appellate authority against the auditors' report where the person reported against chooses to appeal to them instead of to the Civil Court. The choice of forum lies entirely with the person aggrieved. The Local Government would mean in this case the Ministry of Local Self-Government responsible to this House. So there can be no apprehension of the power being abused or the Local Government acting in a vindictive spirit. I claim no perfection for this measure and Government will welcome its modification in order to improve it or to eliminate a provision which may operate harshly on the public.

Government sent the Bill to the Corporation for their opinion. After a full discussion it has characterised the measure as unnecessary and unjust. The Corporation is of opinion that the Bill should not be proceeded with, but suggested a direct discussion with Government in order to prove that the Bill was unjust and unnecessary. I am afraid it is now too late to go into that question. The Corporation was given ample opportunity to explain its position when Government addressed the three letters last year. But the opportunity was not availed of. The Bill having been introduced the Council is now in seizin of it. It is now too late to have Conference with Government for dropping the Bill. Government would have appreciated suggestions for its improvement. The Select Committee if it wants to be satisfied on any point it can always ask the Corporation to submit its case. The Select Committee has the inherent right to do so.

In conclusion I may assure the House and if necessary, the Corporation that Government are not inclined to rake up old irregularities; they are anxious to offer every facility to the Corporation to carry on the civic administration without any encroachment on the autonomy or self-respect of that body. The Ministry is always prepared to uphold its rights and privileges. This Bill only provides certain safeguards against future irregularities and abuse of power. They would act as automatic checks and remove the possibilities of the provisions of the statute being ignored. In this view of the matter the Bill should be welcomed by all who love Calcutta and its Corporation. Government desire to see the affairs of the Corporation being managed honestly and smoothly without let or hindrance.

With these words I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Before we adjourn for prayer, I may inform the House that what I propose to do is to choose one of the several motions that have been tabled for the circulation of this Bill to elicit public opinion for discussion. I decide that Mr. Fazl-ul Huq's motion shall be moved. I hope he will be in his seat when we come back.

Mr. NARENDRA KUMAR BASU: Speaking for myself, I gave notice of a similar motion for circulation. However, I can speak on Mr. Fazl-ul Huq's motion.

Mr. P. BANERJI: I also gave notice of a similar motion.

Mr. PRESIDENT: You will speak on that motion as well.

(The Council was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Mr. P. BANERJI: Sir, may I point out that according to the *Agenda* my name stands first. Sir, you have decided that the motion standing in the name of Mr. Fazl-ul Huq will be given preference. May I point out that under rule 40, which says that when substantially identical motions stand in the name of two or more persons, etc., etc., my motion is not substantially identical to that of Mr. Fazl-ul Huq, inasmuch as in a motion for circulation the "time" is the most essential factor. In my motion I have given 31st December as the time, while Mr. Fazl-ul Huq has given 15th November. May I inquire whether relying on rule 40 you consider that these two motions are substantially identical? My submission is whether we would be allowed to amend the motion standing in the name of Mr. Fazl-ul Huq by substituting "31st December" for "15th November"?

Mr. PRESIDENT: There is no doubt in my mind that the motions are substantially identical because the essential part of each of the motions is that the Bill should be circulated and not referred to the Select Committee. As regards the "time" if you want to move an amendment to Mr. Fazl-ul Huq's motion I shall be very pleased to admit it without notice.

Mr. A. K. FAZL-UL HUQ: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th November, 1933.

Sir, I am surprised to learn that there is an impression abroad that I have been persuaded to table this motion in the interests of the Calcutta Corporation or at the solicitations of certain friends who happen to be connected with the Corporation. I begin by repudiating that idea as emphatically as I can, and I can assure the House that I conceived the idea of sending a motion of this kind the very moment I read the Bill.

Sir, so far as the Bill is concerned, I can also assure the Hon'ble Minister that there are certain provisions in it with which I am in perfect sympathy. The provision, for instance, regarding audit

inspection and other matters connected with the finances of the Corporation or the manner in which they spend the rate-payers' money is a most welcome provision, and it has not come a day too soon. Perhaps, there are certain other aspects in the Bill to which I am at the same time inclined to take the strongest objection; I refer to that clause in the Bill which seeks to penalize a person, shortly stated, for his political opinions. Sir, in these days of democracy and freedom of speech one would certainly be entitled to hold any political opinion which he considers useful to the political advancement of this country and it may be that I may not agree with that opinion, but at the same time I have no reason to object to any person, who holds any opinion different from my own, holding office under a public body. If that principle is once conceded, I cannot for a moment think that it would either be reasonable or wise to legislate on the assumption that a person holding any particular political views should be debarred from holding office under a public body. This rule does not exist so far as Government employment is concerned, and I do not see any reason why it should be extended to employment either under the Corporation or for the matter of that any other self-governing institution. So far as offences against the State are concerned, Government ought to be the very first authority to take exception to the appointment of persons convicted of offences against the State, but for reasons which I need not discuss here even Government never seeks to do so.

Then, so far as the question of terrorists or anarchists is concerned, I will support any proposition that persons belonging to that class should not be encouraged in any way. As a matter of fact, those of my friends who have tabled motions similar to my own will make it perfectly clear that they object to this provision solely on question of principle, viz., that no man should be penalised for his opinion. We ask the Hon'ble Minister to consider if it is a safe principle to go upon in framing our legislation. He will at once see the absurdity of it when he considers the consequences which will follow if this principle is really enforced in practice. I do not find the Prime Minister of Bengal, the Hon'ble Sir William Prentice, in his seat; but I can assure the House that on a rough calculation it will be found that if this principle is giving effect to, 90 *per cent.* of the officers in the departments under the Hon'ble Sir William Prentice will have to be dismissed summarily. So far as the civil disobedience movement or the non-co-operation movement is concerned, I know that there are persons who do not wish to go to jail but have great sympathy with the movement itself. And as a matter of fact, so far as the object is concerned, with that object many persons are in full sympathy. Therefore, to say that because a man has been sentenced to imprisonment in consequence of his participation in the civil disobedience movement or in the non-co-operation movement to-day that, by reason of that alone he should be

debarred from holding any post under the Corporation would be introducing a dangerous innovation into our work of legislation, and it is for that reason that I cannot support that portion of the Bill which seeks to lay down a provision of such a dangerous character.

So far as the Government is concerned, I wish to remind it that, not at the present moment alone, but for a long time past, it has been engaging the services of persons with whose political opinions the members of Government do not agree. May I ask the members of Government if they have ascertained the political views of the lawyers, at whose feet lakhs and lakhs of rupees are poured out by the Legal Remembrancer every year in the conduct of political cases? Many of the lawyers who conduct these cases hold views which are in perfect consonance with the views of the accused. But does Government withhold its money from these lawyers? Government is paying its Judges, Magistrates and Police officers who may hold political views different from those of the Government. In this view these officers have got to be dismissed. Although Government knows full well—or at least ought to know fully well, if it has the slightest commonsense, that these persons are fully in sympathy with this movement, yet they utilize their services, and why? Because there is no other way out of it for them. If there is a lawyer of outstanding eminence, although Government knows that he holds opinions which, if not entirely revolutionary, yet may be subversive of the Government which seeks to employ his services, Government have got to engage him. I submit that a little consideration will show that a principle of this kind can never form the basis of any legislation in any civilized country. A man may have sympathy with the civil disobedience movement. I have got no sympathy with it, but I have no right to object that any man should have any sympathy with the civil disobedience movement. I do not approve perhaps of 90 *per cent.* of what Mr. Gandhi says or does, but that is no reason why he should not have these views or seek to enforce them on his countrymen. As a matter of fact, there are many people who respect Mr. Gandhi, but who know very well that his views are of an impractical character and sometimes of such a nature as ought not to be promulgated in the present state of the country. But that is a different matter. I, therefore, suggest that in a matter of this kind Government should consider whether it should thrust this legislation on us without allowing the outside public an opportunity to express their opinion fully.

The Hon'ble Minister referred to the fact that the Bill was introduced so long ago as April, 1933, but I beg to point out that although it was sent to the Corporation for its opinion, it was not really circulated for eliciting public opinion, and I do not think any harm will be done if prominent citizens of Calcutta and public bodies and

associations and people who will be directly affected by the Bill, be asked their opinion as to what they think of its provisions. The Calcutta Corporation has certainly condemned this Bill but it should not be allowed to have the last say on the subject. There are others also who are equally interested in the management of the affairs of the Corporation. In view of the fact that some of the provisions of the Bill raise important questions of principle, it is very necessary that the opinion of the outside public should be obtained and it is for this reason that I suggest that before the Bill goes into select committee it should be circulated for eliciting public opinion. Because I object to certain portions of the Bill on principle, I cannot bring myself to vote for its reference to a select committee straightaway. It is for this reason that I have tabled this amendment—that before we could think of sending the Bill to a select committee it should be circulated for eliciting public opinion. In saying what I have said, I wish to make it perfectly clear that it is entirely my own personal view. I have not consulted the members of the Moslem group, or the group to which I belong; I have made up my own mind and expressed my personal views, and I know that so far as the motion is concerned, if it comes to a division and a vote is taken, most of the Moslem members will vote against my motion. But I thought it my duty to bring to the notice of the Council through the Hon'ble Minister that there is a strong feeling not only in this city but also throughout the country that an important legislation of this character should be subjected to thorough public criticism before it comes up for final decision in the Council. It is for that reason that I have moved that the Bill be circulated for the purpose of eliciting opinion, before we consider the question of sending it to a select committee. With these words I beg to move my motion.

Mr. P. BANERJI: I beg to move that in the amendment of Mr. Fazl-ul Huq the words "15th November" be substituted by the words "31st December". In doing so, I would first ask Mr. Fazl-ul Huq, the mover of the amendment, to accept my amendment as the 15th November is too short a time within which it would be convenient to take public opinion all over the province. I naturally expected that after the learned speech of the Muhammadan leader, Mr. Fazl-ul Huq, who has experience of Corporation affairs, that the Hon'ble Minister would at once jump up and accept his amendment. Sir, from his fortified position in the treasury benches, the Hon'ble Minister has often pitied the members on this side of the House. But I must say that now is the occasion when he should be pitied. He tried to substantiate his position by reasoning, which I may tell him will not convince any man who possesses even an ounce of commonsense. Sir, he has appealed to the wisdom of us, the members here, and we who possess greater

wisdom naturally have not been convinced by the poor arguments he has put forward in support of this—his most unwarranted and unnecessary Bill. Sir, it was amusing to hear him reading such a long manuscript which took more than an hour but which nevertheless could not convince anybody. While I was listening to him, I was just wondering whether we were listening to the Hon'ble Minister in charge of the Local Self-Government, or to the Hon'ble Member in charge of the Police portfolio. I must tell him straight that what the Hon'ble Member in charge of the Police has failed to achieve by legislation in the past, is being achieved by a popular Minister to-day, so that it is now for us to pity him who claims to be a popular Minister in spite of this Bill. Sir, he has often claimed in this House that he is a lieutenant of the late Sir Surendra Nath Banerjea, a great man, and the father of Indian nationalism, who sponsored the Calcutta Municipal Bill, and who is his political *guru*, so much so, that whenever any amendment to the Act of 1923 was brought before the House, specially the one brought forward by my friend Munindra Deb Rai Mahasai, he was snubbed from time to time by the Hon'ble Minister, saying that a great body like the Calcutta Corporation has given an adverse opinion and that we must stand by it and so on. But may I ask, Sir, where is his conscience now? Now he does not stand by the opinion of that great body, the Calcutta Corporation, a body greater than the province——

Khan Bahadur MUHAMMAD ABDUL MOMIN: Because that body has greatly deteriorated.

Mr. P. BANERJI: I will now come to the facts. The Hon'ble Minister says that it is from a sense of duty that he has brought forward this Bill and he has given facts and figures. Unfortunately, I have very little time at my disposal to reply to all his points and if I were to reply to them properly, not one day or two days, but 7 days would be required to do so: then and then only would the members of this House be convinced that the figures he has given are false. With regard to the Garden Reach Scheme also he gave all sorts of false figures——

Khan Bahadur Maulvi AZIZUL HAQUE: May I rise on a point of order? Is it permissible for an hon'ble member of this House to characterise figures given by the Hon'ble Minister as false? I submit, Sir, it is not parliamentary.

Mr. PRESIDENT: I quite agree with the Khan Bahadur that an improper word has been employed by Mr. Banerji. I would also tell Mr. Banerji that he should not lower the level of the debate by

indulging in personalities. He may criticise the arguments of the Hon'ble Minister in suitable and decent language and should by all means avoid unparliamentary expressions.

Mr. P. BANERJI: All right, Sir, instead of false figures I may say that the figures were incorrect. My mother tongue is not English and it is quite possible that I may make mistakes in the use of it. (A VOICE: Why not speak in Bengali?) I should have much liked to do so but the difficulty is that any one who has even a slight knowledge of English is not allowed to speak in Bengali. Incorrect figures are given and many members said at that time that they were incorrect not only with regard to the Garden Reach Separation Scheme but also with regard to the separation of Kalighat from Bhowanipore. It was made to appear as if the figures were given by the Corporation but I can at once prove that they were supplied by Rai Badri Das Goenka Bahadur——

Mr. PRESIDENT: This does not help you at all. The best thing for you would be to try to prove that the figures given by the Hon'ble Minister with regard to the matter before the House at the present moment are incorrect.

Mr. P. BANERJI: In view of our past experience I may tell the members that we ought to accept whatever figures the Minister gives with caution; that is my point.

Now, the object of the Bill, as the Hon'ble Minister has said, is to put a check on certain actions of the Calcutta Corporation—actions which according to Government are against the interests of the rate-payers. The Hon'ble Minister was convinced, and naturally the Government also was convinced of illegalities committed by the Corporation and now efforts are being made to emasculate one of the biggest self-governing bodies in India, namely, the Calcutta Corporation, which was the dream of, and which was brought into reality by, the political *guru* of the Hon'ble Minister. Sir, it is one of the greatest tragedies of the world that Judas killed Jesus but here we find Lt. Bijoy Prasad Singh Roy killing his political *guru*, Sir Surendra Nath Banerjea, not indeed in actual flesh and blood but in spirit. We are accordingly ashamed to think that a man of his position is going to undo a thing which was the life-work of a great man whose name he has so often quoted in this House. That is our grievance, Sir. Now, Sir, the Hon'ble Minister has also suggested that they should not listen to what we dictate from the House.

I will now refer to what is stated by the Hon'ble Minister. Now, Sir, the Hon'ble Minister was giving certain figures regarding the question of audit. He himself was a member of the Corporation at the

time when the Congressites took possession of the Corporation in 1924. I may tell you, Sir, that at that time the Corporation was in arrears for five years which fact has been suppressed, and it took the Congress-Corporation a pretty long time to make up those arrears. Therefore, naturally, the report of 1923-24, which was not within the regime of *swarajist* Corporation, could not be disposed of in time. Sir, if we go into details we find that the *swarajist* Corporation have worked miracle. They have proved that education can be imparted free in the country. Now, so much money has been spent for education. Proper water-supply is certainly a civic improvement. Now, in this Bill the Hon'ble Minister has nowhere suggested any civic improvement. It was found during the Congress regime that the water-reservoirs were broken down and in order to purchase materials, or in other words to give some foreign firms something like two crores of rupees—I do not remember the actual amount—was spent. Now, the major portion of it was done by the *swarajist* Corporation under Deshbandhu Das. The old Corporation depended on আকাশ সরোবর. Therefore there was very scanty supply of water. Therefore the *swarajist* Corporation found it difficult to cope with the situation and ultimately made arrangements to supply water to the *bustics* and such other places in lorries. So it will be seen, Sir, that they tried to help the rate-payers: that is one of the charges. There is another thing. Although the Government in every postage stamp advertise such slogans as "support Indian industries" and have paid to the Department of the Hon'ble Nawab K. G. M. Faroqui rupees one lakh for the improvement of industries, they have not done anything in this direction. But the Corporation have started cottage industries and they use Indian made articles in preference to other manufactures. Consequently they have become an eye sore to the Government and certain class of people who do not like to see Corporation employees going about clad in *khaddar*. Government think it a crime for people to go about in *khaddar* in Calcutta, the second city in the Empire. These are the political achievements of Sir Surendra Nath Banerjea. The Hon'ble Minister says that the Bill is intended for the improvement of the civic administration of the town. May I ask him if the present Bill aim at any improvement, e.g., more improvement in water-supply or more improvement in the conservancy department? No, it says absolutely nothing about them. It wants to emasculate the Corporation—a self-governing institution in the second city of the Empire—perhaps bigger than the province of Assam. Government do not like that the administration of such a Corporation should remain in the hands of the people. They want that the administration should be under the control of Government. But I may tell you that 99 per cent. of the rate-payers will differ from what Government thinks and they will say against it. As Mr. Fazl-ul Huq has stated, if you take the opinion of the so-called distinguished citizens

you will find most of them pro-Government and they are not the people who care about it. If you on the other hand go to the ordinary rate-payers and take their opinion, I can tell the Hon'ble Minister here and now that every one will find difficulty in giving consent to the passage of this Bill. If the Hon'ble Minister cares to go from door to door to ask their opinion, he will find 99 per cent. of the public are unwilling to give their consent to this absurd Bill. We all know how public opinion was flouted by the four limbs, or I do not know if they are seven limbs, of Government. If the Minister, who calls himself a representative of the people is shifted outside he will sing to another tune and play a different role altogether. It is unfortunate that a member and especially a popular Minister could come forward with a Bill to emasculate the whole Corporation and take away its freedom of action. It has been said that the powers given to the Corporation have been misused. May I inquire how power has been misused? It is by agitation that these powers have been wrested from Government. It has been said that the Corporation is employing only those people who either went to prison or joined the civil disobedience movement or have been guilty of moral turpitude. As Mr. Fazl-ul Huq pointed out, if proper scrutiny is made it will be found that there are many in the employ of Government who suffer from moral turpitude and also committed offences and punished for moral turpitude.

Mr. PRESIDENT: Mr. Banerji, what do you really mean?

Mr. P. BANERJI: I am pointing out to the Hon'ble Minister that if proper inquiries are made it will be found that there are people in the Government employ who got punishment not only for other offences but also for moral turpitude.

Mr. PRESIDENT: I think you had better leave moral turpitude alone. (Laughter.)

Mr. P. BANERJI: I can show that even Government have no scruples sometimes to patronize ordinary criminals and they have even nominated them to this House. The object of the Corporation in employing people who suffered imprisonment, is to correct them, to keep them away from mischief. If they are cast away, what will be their fate? They will further go astray and do mischief. Corporation have kept them busy, so that they will turn into peaceful citizens of the country. They have not encouraged any subversive movement as has been said. Government feels that those persons that have suffered imprisonment for their free opinion must be hounded out and persecuted and what will be the result of all this? The result will be that they will try to commit greater offences. So Government, by their action, instead of correcting these people are goading them to

greater crimes. The Corporation at least is making an attempt to correct them. After all these people should have some resting place under the sky. The Hon'ble Minister has been complaining that the appointment of the Education Officer and other heads of departments should have the sanction of the Government. He further says that under the present law, the appointment of Chief Executive Officer and other high officials of Corporation requires the sanction of the Government but that up to this time they have not refused to agree to the proposals of the Corporation, that their object is to have a check on the action of the Corporation. That is not the intention of the Government. They have no intention to improve the civic administration of the Corporation and in course of the speech of the Hon'ble Minister, the cat was out of the bag. The Hon'ble Minister spoke about the electricity scheme of Dr. Dey and criticised it. Dr. Dey is a highly qualified England-returned Engineer. Now, this scheme will be a boon to the middle class rate-payers, because those who know anything about electricity know that to generate it, it costs 1 pice per unit whereas we are at present charged annas four per unit: that is the position. Now, Dr. Dey has evolved a scheme which will be a great boon to the people who use electricity and thousands of rupees will thus be saved to them, as they will get electricity at a very low rate; and I think Government cannot tolerate this. They want to patronize and encourage the monopoly company which is now supplying electricity and charging high rate for it. Government want to see that nothing is done to harm their business. Now they have found the poor Minister to get rid of this difficulty. I may say that this will not help him a bit. The electricity scheme of the Corporation has been evolved by a great Doctor of Engineering, who has put forward a definite scheme which will lead to a great deal of economy. It is absurd to say that it cannot be scrutinised within 20 days by persons who are drawing fat salaries. As I have said, and I say now, that the intention of Government——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On a point of order, Sir. The hon'ble member is confusing the two schemes. It is not the electrical scheme of Dr. Dey which is under discussion, but scheme VIIIA.

Mr. P. BANERJI: I am not in touch with the Government correspondence so it is difficult to give any correct opinion on anything. Now, Sir, this is all about the Corporation. It is unfortunate that the Minister will try to impress upon the House that we are not going in any way to interfere with the civic administration of Calcutta except in the interests of the rate-payers. I say it is not at all so. Therefore as has been suggested by the mover of the amendment Mr. Fazl-ul

Huq, I hope the Hon'ble Minister instead of wasting further time of the Council would at once stand up and accept the most reasonable amendment of Mr. Huq.

Mr. C. C. MILLER: Sir, on behalf of this group I rise to oppose the motion to circulate this Bill on the ground that it is an unnecessary prolongation of the situation which has already become intolerable. Far more remarkable than anything contained in this Bill has been its reception. There are two main provisions put forward in the Bill, firstly, the provision for surcharge and secondly, the ban on the employment of persons who have been imprisoned for offences against the State. That is all there is in the Bill and yet the Minister is accused of forging a weapon wherewith to insult and intimidate the Corporation and a weapon which is to strike a death blow to democracy. The Hon'ble Minister is a statesman of constructive ideas (question), but I am afraid he cannot claim to have invented the system of surcharge nor to have been the first to think of applying the principle to local self-governing bodies. The method is the common method of Government audit of the accounts of local bodies in England. It was introduced by the District Auditors Act of 1879 under which piece of legislation the District Auditors were first appointed to County Councils, Rural and Urban District Councils. These officers have the power of surcharge and disallowance. Without an appeal this might be an extreme power but the person surcharged has a right of appeal to the King's Bench High Court if the amount is more than £500 and if less than £500 he has the right of appeal to the Ministry of Health or to the High Court. Over a period of years more and more accounts of local authorities have been brought under the system of district audit. Such Acts as the Public Health Act, 1875, the Local Government Acts of 1888, 1894 and 1929 and the Rating and Valuation Act have brought various forms of local authorities under the system of district audit. The Government of the city of London is based on a special Act, the London Government Act of 1899. By the provisions of paragraphs 14 and 71 of the Act, audit both of the London County Council and the Borough accounts is done by the district auditors of the Ministry of Health. Scotland differs slightly. The Local Government Act of Scotland, 1929, empowers the Secretary of State for Scotland to appoint auditors for all County Councils and Town Councils in Scotland. In this case the power of surcharge is with the Secretary of State on the report of the auditors. I have, however, said quite enough to indicate that the surcharge is not an invention of the Hon'ble Minister but an instrument which was introduced long ago in Great Britain and proved effective through long experience in the most truly democratic country in the world. Actually the annual report of 1931-32 shows that the district auditors dealt with no less than 11,276 local authorities and

made surcharges to the amount of nearly £40,000 and there was no appeal, except for £1,004. The suggestion moreover that there is anything undemocratic in the idea of surcharge is absurd.

My group are very strongly in favour of the system of surcharge and of its application to Calcutta. We are by no means so sure as to whether the officers of the Indian Audit Department of a status corresponding to the district auditors and their assistants in England are of the right type to sustain the responsibilities that will go to them under this Act. Of all the departments of the Government of India, probably the Audit and Accounts Department is that which most requires thorough reorganisation. The spirit of the department is almost uniformly one of obstruction and few of its officers are what we business people would consider properly qualified for their task. It may, therefore, be better that as in Scotland the power of surcharge should rest with the Minister acting on the report of the auditors and to my mind it would certainly be advisable to appoint auditors who are the employees of the Government of Bengal, not men over whom the Government of Bengal has no more authority than it has over the Indian Audit Department. These arguments are, however, not arguments against the Bill, but merely arguments in favour of its reference to a Select Committee.

That, Sir, concludes my comments on the surcharge provision and now I must turn for a moment to the more general question of the ban on employment by the Corporation of persons convicted of political offences against Government. This really leads to one simple issue. Are the proper functions of the Corporation of Calcutta political or executive? Is it a body established to develop and control the civic amenities of this great city by a sane expenditure of the rate-payers' money of which they are trustees, or is it a political organisation secondarily concerned with administrative work and perpetually hostile to the Government of Bengal? Sir, I fear there is much evidence in favour of the latter view. The Minister has told us a great deal on the subject and I need only refer to the apparently ceaseless postponement of definite Corporation business on thinly veiled political excuses and pretexts.

Nothing else has so completely convinced me of the necessity for the Bill as its reception by the Calcutta Corporation. The hot heads of this body have carried a resolution to the effect that if any reform is required within the Corporation, the Corporation itself can see to it, that the power of control vested in Government under the existing legislation is adequate and that the present Bill is unjustified and uncalled for. This, Sir, is in effect to set up the Corporation as independent of the Government and independent of the legislative authority vested in this House. I am aware that the resolution did not meet with the approval of a minority of senior Councillors but the fact

remains that the majority of the Councillors are anti-Government and undisciplined, filled with a passionate desire to be a law unto themselves and to defy all control and authority. Of all the acts that the Congress party in the Corporation has committed in the last ten years nothing is more disturbing than this suggestion that the Corporation is a body owning no authority to this House which created it.

Sir, the true functions of the Calcutta Corporation are of an executive and administrative nature and if they regard their functions in this light the Corporation can have no reasonable objection to this Bill. The political development of our province rests not with the Corporation of Calcutta but with the Bengal Legislative Council.

Maulvi ABUL KASEM: Sir, I have heard the eloquent and reasoned argument of my friend Mr. Fazl-ul Huq and also other eloquent speeches, but I am not yet convinced about the desirability of circulating this Bill for eliciting public opinion. As has been mentioned by the Hon'ble Minister the Bill has been before the public and those who take any interest in the Corporation or care to take any interest in it had ample opportunity to represent their views before the Government. Secondly, Sir, this very Bill was discussed in the Corporation for three days and every shade of opinion was expressed thereon. I think, therefore, no useful purpose can be served by further eliciting public opinion from the citizens of Calcutta. Everything that can be known about the Bill, either for or against, is known not only to the Ministry of Local Self-Government but to the public at large. Just as the Round Table Conferences are held times without number to elicit public opinion at public expense, it would be a repetition of that thing to have public opinion invited on this matter. I cannot go into the merits of that portion of the Bill which deals with the financial aspect. My friend Mr. Fazl-ul Huq has stated very clearly that he fully and strongly supports that portion and the only debatable part, according to him, is the penalising of persons for holding political opinion. With due deference to my learned friend I have only to submit for his consideration that nobody is penalised for holding a political opinion, but for actively taking part in lawlessness. There is a good deal of difference between holding a political opinion and active participation in acts of violence in the country. Whatever may be the political views on this question, I think it is against national interest to have teachers holding strong political opinion and carrying on works of a political character, particularly taking part in the civil disobedience movement. Sir, it has been said that terrorism is quite a different thing from civil disobedience and passive resistance and non-violent non-co-operation, but for human folk like myself I think it is undesirable that people put in charge of the training of young minds should be associated with politics of any kind and I think that not only the Corporation but

Government also will be in a great measure guilty if they continue their grants-in-aid, although some of these persons have not been convicted. However that is a quite different matter.

Secondly, Sir, I think that it is most detrimental to educational interests in this country to have school masters dabbling in politics and taking an active part in politics and in creating lawlessness and chaos in this country. I might inform this House from the educational point of view and from the point of view of culture that I think Bengal, which only a decade or two before, occupied the foremost place in India, to-day lags behind other provinces and is practically a third-rate province because of the fact that unfortunately for us our little boys in the lower forms of high schools are dabbling in politics.

Sir, sometime back—about a year or two before the Great War was finished—a cartoon was published in an American paper showing three coster-mongers—an Englishman, an Italian and a Frenchman—all dressed in patched up pants and battered garments with no umbrella and by their side a German with new clothes on and an umbrella. Seeing the German, the three exclaimed "How have you got such nice new garments:" To which the German said "Oh, I have been working while you have been talking". So, the other provinces of India have been working and training their boys while we have been unfortunately talking to them of politics. If the newspaper reports are correct, even to-day there is a case, either in Alipore or Hooghly, where it has been stated that leaflets were sent to school boys with a special appeal to join the revolution. That is the way political opinion is created in young impressionable minds. I may hold political opinions and am entitled to hold such opinions; my friend, Mr. P. Banarji is equally entitled to hold his opinion, but it is quite a different thing to instill such opinions into youthful minds of impressionable age and to instigate them. That is certainly an offence and it should not and ought not to be allowed.

Sir, I certainly admire the courage shown by the Hon'ble Minister in charge of the Local Self-Government Department in bringing forward this Bill in the interests of good administration of the civic affairs of Calcutta, although I am sorry that the Bill does not go far enough to be satisfactory. However, it is good so far as it goes. He has taken great risk because in these days it is easy to run down a man only to create popularity and a popular cry. A popular cry is not always based on reason or arguments. I congratulate the Hon'ble Minister, and, Sir, it is a matter of some gratification to me that the introduction of this Bill has made some of my great nationalist leaders and patriots to realise that there was a man Sir Surendranath Banerjea and that he was a patriot and a nationalist. I am thankful indeed for this recognition of the man who was hounded out of public life which cost him his life. That man is remembered to-day.

Sir, it has been said that the Calcutta Municipal Act was the work of Sir Surendranath Banerjea and it will be sacrilegious to lay hands on it. I myself feel that anything done to-day to mutilate the work of Sir Surendranath Banerjea will be a great offence. But I may say that when Sir Surendranath drafted this Bill he never dreamt that the powers given by the Act would be abused in this way and advantage taken of those powers as has been done.

Mr. P. Banerji has declared that this right was wrenched from Government by political agitation. It was Sir Surendranath who, as Minister in charge of the Local Self-Government Department, on his own initiative introduced the measure which to-day is the law of the land; and to say that it was wrenched by political agitation carried on by the friends of Mr. P. Banerji or the leaders of the Corporation is absolutely wrong. It was the work of Sir Surendranath and he himself, if he had been alive to-day, would have strongly supported the Hon'ble Minister in the action that he has taken.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I am afraid that I must begin by an expression of regret that my friend—if I may be permitted to call him so—the Hon'ble Lieutenant Sir Bijoy Prasad Singh Roy has done something which has evoked the praise of the European group and of Maulvi Abul Kasem. I regret that very much, and I regret it all the more, because after the greatest consideration that I could give to this Bill dispassionately,—members of this House will take it from me that I am not a Councillor of the Corporation, nor have I any personal interest in the Corporation other than what a rate-payer has, I have no axe to grind so far as the Corporation is concerned—I say that, after having given the most anxious and dispassionate consideration to the terms of the Bill introduced into this Council on the 1st of April, it is my considered and deliberate opinion that this Bill is one which ought not to have been introduced by a popular Minister.

Sir, as I read the Government of India Act, my suggestion—my submission—is that by accepting a seat in the Treasury Bench a non-official member does not cease to be a non-official or ought not to ignore non-official public opinion. He does not become a part of the bureaucracy; by being called upon by His Excellency the Government to accept a seat on the Treasury Bench as a Minister there is no obligation on his part to support such acts of the executive as militate against popular freedom or popular liberties. Sir, I submit that the way in which this Bill seeks to curtail the powers of the Corporation of Calcutta is something disastrous to the cause of self-government in India—not to speak of Bengal——

Reverend B. A. NAG: How does it curtail the powers of the Corporation?

Mr. NARENDRA KUMAR BASU: If the Reverend Mr. Nag will suffer his soul in patience, then he will understand.

Sir, as I read the Bill, and it has been pointed out by the Hon'ble Minister, it is divided into two parts. The first is with regard to appointments and the second relates to surcharges and audit. With regard to appointments, Sir, I shall ask the Hon'ble Minister to remember one great principle of penology. He is an *ex*-lawyer and from the members of the Treasury Bench especially the senior-most member—viz., the Vice-President of the Executive Council—and from the other members the Hon'ble Minister might have learnt what the purposes of punishing an offender are. He might have learnt that even though in all cases it may not be said that by convicting a person and punishing him you purge his offence out of him, it is now generally accepted that after a man has paid the penalty for his offence he ought not to be hounded out of existence.

Sir, if my young friend (as he is younger in age) had only seen the utility of the Prisoners Aid Societies, the After-care Associations and other things, he would have noticed that it is no longer the policy of anybody that because a man has committed an offence once he should be debarred from all useful work and activities and kept out of the pale of ordered society. Sir, only this morning most of us must have seen the report in the *Statesman*—I mean the legal intelligence portion—as regards the Meerut case judgment——

Mr. PRESIDENT: Mr. Basu, do you take the responsibility for the accuracy of the report? Is it an authenticated copy of the judgment?

Mr. NARENDRA KUMAR BASU: Sir, I take it that it is a correct report——

Mr. PRESIDENT: I think you had better not read it out.

Mr. NARENDRA KUMAR BASU: May I remind you, Sir, that the reports of cases published in the *Statesman* have been referred to in the High Court——

Mr. PRESIDENT: I do not think that I could allow you to read out extracts from newspapers.

Mr. NARENDRA KUMAR BASU: Very well, Sir.

Mr. PRESIDENT: You can of course build up your case on the facts in your possession.

Mr. NARENDRA KUMAR BASU: I submit Sir, as the Chief Justice of Allahabad has pointed out that the theory of punishment is based upon the protection of the public, prevention of crime and reformation of the offender, and I think that Government is making a great mistake in trying to legislate that anybody who has ever been convicted of any of these offences should not be employed by the Corporation. And, Sir, what are the offences on conviction for which it is proposed to debar persons from employment under the Corporation. It is said that any person who has been convicted of an offence against the State by which is meant an offence under Chapters 6 and 7 of the Indian Penal Code, or a person who has been sentenced either to rigorous imprisonment of any term or to simple imprisonment shall not be employed. So far as the sentences are concerned it does not matter whether it is an offence against the State or not. Any person who has been sentenced to imprisonment for 6 months or more, say for defamation or common assault will be debarred from service. As for the offences mentioned in Chapters 6 and 7 of the Indian Penal Code, it may not be within the knowledge of members that one of the offences mentioned in those chapters is going about in the garb of a soldier, using a token used by a soldier, that is to say, a cane or a stick used by a soldier. He may be held liable under Chapter VII of the Indian Penal Code; he may be taken before an Honorary Magistrate and fined a couple of rupees. Presto, he is for ever debarred from service in the Corporation unless he goes to the Government and asks for condonation. I submit it is absolutely wrong in principle to say that a person who has been convicted of any of these offences should not be employed by the Corporation. It has been suggested outside the House that the Bill though fathered by the Hon'ble Minister in charge of Local Self-Government is not really his handicraft. I was chary of believing it but when to-day he gets up and with the sense of responsibility of his office he says that the choice of persons who are curable must be left to the Government in the Police Department and with the help of the police and other people the Minister of Local Self-Government will say which offences should be condoned and which not, then I see that the people are right in their belief, and that although it is the voice of Jacob we hear it is in fact the hand of Esau. I regret very much that this sort of measure should have been fathered in this Legislative Council by a popular Minister.

So far as the appointments are concerned we have just heard that out of 1,200 school teachers about 30 would come within the category mentioned in this Bill. Is it not a sight for gods and men that for the sake of a ·25 per cent. of the teachers employed by the Corporation in

the Education Department and probably ·0005 per cent. of the total number of the persons employed by the Corporation, the time and money of the ratepayers not only of Calcutta but of the whole province for several days and months will have to be wasted because, forsooth, this Bill is wanted by the police. I submit that it is an insult to the intelligence of the legislators to ask them to solemnly debate this farce, while it could have been done by the Police Department. They could have interned these people coolly and have had them in under the Bengal Criminal Law Amendment Act. This number would not have made any appreciable increase in the number of people arrested and interned without trial; they could have done that and safely left the Corporation alone. I submit that it would have been much cheaper for the people of this province to have these 30 people interned as expenditure on the present session of the Council and a portion of the expense of the select committee, etc., might have been saved. I do not see the necessity of asking the Council to pass this legislation because, forsooth, there are 30 men in the Corporation of Calcutta which spends I do not know how many lakhs a year in salary, 30 men who are not liked by the police, that is to say, those who have been convicted some time or other for having asked some persons not to go and purchase wine in shops or something like that! So far as the instances given by the Hon'ble Minister are concerned, during the time he was giving them in replies to the questions that were addressed to him it was perfectly clear that not even one of them would come under the Bill; for example, the lady Suhashini was never convicted and then this man, Guha, was released in 1926 after suffering for 10 years. Does the Hon'ble Minister mean to suggest that a man who has suffered for 10 years has not expiated his crime sufficiently and should be kept out of employment for ever?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Is he a fit person to be employed as a school master?

Mr. NARENDRA KUMAR BASU: I should certainly say yes if he is not found communicating objectionable views to his students. I take it that it is not because a teacher has been convicted of political crime that he is unable to be a teacher.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But if he is convicted of dacoity?

Mr. NARENDRA KUMAR BASU: It may be so, but if he is reformed, is there any reason to suggest that he will not be a good teacher of youths? Why, Barindra Kumar Ghosh was convicted and

sentenced in the Alipore Bomb Case to transportation, but I now find that the principles that he is teaching in the columns of a newspaper are absolutely unexceptionable. Because a man has once been a seditionist or a dacoit, that is absolutely no reason why he cannot reform and why it must be presumed that he cannot reform for the rest of his life. Lieutenant Bijoy Prasad Singh Roy when he was a private member was a fierce critic of Government but he is now reformed. We have been told in this House by the Hon'ble Minister that the Bill has been prepared by him purely from a sense of duty——

(Here the member reached his time limit but was allowed to continue.)

It has been said that the Bill has been placed before the House purely from a sense of duty. I am afraid that statement must be qualified; the Bill has been placed purely from a sense of duty not to the people but to the bureaucracy.

I submit that so far as the first portion of the Bill is concerned it is entirely misconceived and is entirely mischievous. I now come to the second portion, that is to say, the portion regarding surcharge. I was very much amused, if I may say so, by the statement of the Hon'ble Minister that the Government wants to introduce this portion of the Bill because, forsooth, irregularities pointed out by audit have not been satisfactorily explained and have recurred from year to year. As one of the representatives of this House on the Public Accounts Committee (I am certainly not betraying a secret) may I ask how many Government departments do carry out the suggestions made by the Accountant-General and the Auditor-General year after year? How many times do we not find the Accountant-General saying that this was pointed out by the Public Accounts Committee of the Legislative Council last time and this year and not complied with? How many times do we not find that these things were not carried out? But was there any surcharge? Like other departments I am sure the Local Self-Government Department must have been castigated by the Accountant-General. Has there ever been a surcharge on that department? Has the Minister ever been surcharged? Who has ever charged and surcharged for the purchase of the dredgers? What was the amount expended on the dredgers? Was any officer of Government surcharged for it? We talk of irregular expenditure by the present Corporation, but do we not know that the past Corporation, an official-ridden Corporation, presented a diamond necklace to the Prince of Wales?

Rai Bahadur Dr. HARIDHAN DUTT: It was raised by subscription.

Mr. NARENDRA KUMAR BASU: Did not the auditors object and did not the Government say you can spend the money?

Rai Bahadur Dr. HARIDHAN DUTT: A subscription was raised.

Mr. NARENDRA KUMAR BASU: The subscription raised might have met a portion of the expenditure. I dare contradiction that most of the cost of the diamond necklace was paid from the Corporation fund.

Rai Bahadur Dr. HARIDHAN DUTT: Not so.

Mr. NARENDRA KUMAR BASU: You may say so.

Rai Bahadur Dr. HARIDHAN DUTT: I say so because I am fully aware of the facts.

Mr. NARENDRA KUMAR BASU: You can say what you want to say when I have finished.

Rai Bahadur Dr. HARIDHAN DUTT: I was a subscriber but you were not.

Mr. NARENDRA KUMAR BASU: I have said that I have never been in the Corporation and it has never been my good fortune to subscribe for trinkets to Royalties. That was your business and of Government's and you have got your reward; but it is no use recalling that on the floor of the House. I do say that this is not the first time that so-called irregular and illegal payments have been made by the Corporation but there had been no talk of surcharge up to this time. So far as the allegations regarding English municipalities and others are concerned members of the House have got reprints of the speech of the Mayor and I will ask them to look at page 2 of the second day's proceedings for a proper reply to these remarks.

With these few words I beg heartily to support the amendment moved by my friend.

Mr. H. P. V. TOWNEND: May I venture, immediately while the torrent of eloquence is still fresh, to attempt to reply? I feel rather like a child going out to face a giant but Mr. Basu has exposed himself to attack. He is, as we all know, a very eminent defence lawyer and he has to-day acted on the defence lawyer's principle that practically he can put forward anything on behalf of his client, he is entitled to state his client's case as given in his brief and he is not responsible for what his client tells. It will be noticed that practically everything

that Mr. Basu has said was a half-truth. When he explained the proposals made by the Hon'ble Minister as regards convicted people being disqualified from service under the Corporation he kept back the fact that Government would exempt certain people: and Dr. Sen Gupta, behind him, was compelled by his sense of fairness to point out the omission. That is typical of Mr. Basu. When he referred to the diamond necklace he kept back the fact that most of the money was met by subscription and that the whole of it did not come from the Corporation fund. He has talked of principles of justice and penology, but he has revised the whole point of these sections in the Bill. We are not discussing how these unfortunate men have been led into terrorism or into acts which may lead to terrorism later, we are not discussing how they should be punished but whether it is right for them to be rewarded. Mr. Basu is obviously thinking of a picture of justice, with a sword in one hand and a bag of gold in the other, symbolising its powers to punish or to reward. It seems that the Corporation has taken upon itself the power of reward. Government may punish terrorism and opposition to law but the Corporation thinks it is wise to reward them. It is this which the Bill seeks to check. It is a well known allegation, openly made, not only throughout Bengal but throughout India, that the Congress party, which, as Mr. P. Banerji has admitted, has captured the Corporation, has been hostile to Government and that the Congress party controlling the Corporation has done its utmost to oppose Government; one of its methods has been to encourage revolution amongst as many people as possible, but privily. Of course I have no personal knowledge of this but I am saying what is only commonly said.

Mr. NARENDRA KUMAR BASU: This is only tit for tat.

Mr. H. P. V. TOWNEND: No, I am not suppressing anything, but I am putting the whole facts before the House, so far as I know them. The Corporation offers posts to people who are convicted for things done "in the service of their country," as they say. In other words, anything done against Government, anything illegal, is considered to be something done for the country. Mr. Basu thinks that the illegality has been on too small a scale to matter. Mr. Basu says that only 3 men, or even 20 men, have been convicted and that is nothing. Well, Sir, when he goes to see athletic sports, and sees one man get the prize for a race, will he exclaim "Oh, only one man gets a prize and therefore only one man was racing?" But, I say, how many have raced and have failed to get the prize? The question is how many men were persuaded to take part in actions against Government. For every man who obtained a post, how many took part in illegalities in the hope of getting posts? I do not know and perhaps Mr. Basu does not know either.

There is a lot that is not known in this case. Mr. P. Banerji, speaking on behalf of his group, says he does not know the nature of the correspondence between the Corporation and Government. I would ask him if anyone else knows it, in the Corporation or out of it. It has been mentioned in the papers to-day that on the 23rd May, 1933, Government addressed a letter to the Corporation about their electrical works. Everybody knows that it is the policy of the Corporation in regard to these electrical works which is one of the chief reasons why this Bill has been introduced. This letter stated the conclusions of Government and a knowledge of them was essential for a discussion of this Bill. Now I ask, was this letter put before the Corporation? It was not. At the time when the Corporation were discussing this Bill, the officers of the Corporation kept back this essential material on which the opinion of the Corporation should have been formed; and, after that, they said that the grounds on which Government are taking action had not been sufficiently explained. The letter which was issued to them was long, perhaps rather too long. It ran to 12 pages in print and dealt extensively with all the points involved. I might suggest that the reason why the letter was not put before the Corporation was perhaps the consciousness that the whole case of Government had been amply proved by it. If you refer to the relevant sections of the Calcutta Municipal Act—and it seems that many members apparently have not had a look at them, as otherwise they would not have attacked my Minister in the way they have done—you will find that there are certain things which cannot be done by the Corporation without the sanction of Government. Now, what has actually happened? Schemes have been put forward and rushed through without Government sanction: the Minister gave details and I will not repeat them. Works are started and tenders accepted before Government have a chance of looking at the schemes. Is that in accord with the spirit of the Act? If anyone says it is, then I say he is a queer lawyer. The Corporation took up the attitude that they did not——

Mr. NARENDRA KUMAR BASU: I thought you got a reply to that in September 1932.

Mr. PRESIDENT: If you want to put a question you must put it through me, Mr. Basu.

Mr. NARENDRA KUMAR BASU: I would ask the hon'ble member whether the letter of July, 1932, was not replied *seriatim* by the Corporation in September, 1932, and Government charges refuted.

Mr. TOWNEND: I think there is a misapprehension. The letter to which I am referring is one that was issued on the 23rd May of this year. The Corporation's attitude towards the letter was that they did not accept the opinion of Government—an opinion which was based on the highest legal opinion—that the projects formed part of a series of works. There are two plants for generating electricity and two cables for distributing electricity all over Calcutta. The Corporation said that these were quite separate and belong to separate schemes. The cable for Palmer's Bridge to Ballygunge is not in their opinion part of the same scheme as the generating plant at Palmer's Bridge: and it is bound up with the electric pumps at Ballygunge and so part of scheme XV. Is this sound? An electric cable is meant to convey electricity; it is logically one with the generating plant. Without a cable the generating plant is useless and without a generating plant the cable is useless. Obviously the cable to Ballygunge is integrally connected with the generating plant at Palmer's Bridge. Take again the generating plants at Tallah and Palmer's Bridge: they both supply current to be used wherever needed. The Corporation say that they belong to separate schemes; but, if that is so, then what is the necessity of connecting the two plants by a cable? The case of the Government is that the works form an integral part of another scheme, which the Corporation have not disclosed. The Corporation say that each belongs to an independent scheme. This is true only in the sense that they are paying for each of them out of funds belonging to different schemes: and when these schemes are financed from loan money, they ought to have taken sanction for so doing, as demanded by the law. But the Corporation do not accept their position as established by the law. The law puts them under the control of Government: but they wish to be on a level with Government. The Corporation have taken the view that when a thing needs Government sanction it should be referred to an independent arbitrator. The Act gives the power of sanction to Government: the Act does not say that the Corporation should put forward one case and the Government another, and an independent arbitrator should be appointed: so the Corporation are defying the Act. It is no good blinking facts and misrepresenting the case. We all know that the law is being defied and no one can truthfully deny it. The Corporation may be a patriotic body. Well, I do not know, I am a mere bureaucrat but this is the position: They are defying the law: and they are putting themselves on a level with this House which made the law. The reason why this Bill should not be referred back for circulation is these: there is no point upon which the expert opinion of any body is needed and no facts specially known to any body which ought to be ascertained. There is no merit in merely gathering opinions. Mr. Fazl-ul Huq has spoken as if we had a Bolshevic system in Bengal—as if we had to take the opinions of so many soviets. But that is not the position. We have got the facts, we

know the principles, and we have in this Council a legislature which is quite capable of forming an opinion on them. There is no object in asking other bodies to discuss the facts, which would mean asking them to indulge in politics again.

Khan Bahadur Maulvi AZIZUL HAQUE: I am afraid that the question has been discussed by various speakers more in a spirit of passion rather than by the application of cool reasoning to the facts of the case. What are the principles behind this Bill for which a reference to the Select Committee is desired by Government? I must at this stage make my position clear. I am not in agreement with all that has been incorporated in the Bill itself, and there are many things which will require probably drastic changes before it can be acceptable to a Legislature elected by the people. But the sole question for the time being is that the Bill concerns several principles. The first and foremost among them is—should persons convicted for subversive movement and convicted of ordinary crimes be employed as employees of local bodies or institutions supported from local funds? I am entirely at one with my friend Mr. Basu that it is not always desirable to penalise an opinion however extreme and wrong it might be. The only criterion by which this Bill should be judged as it will emerge from the Select Committee is to find out whether a man after being employed by the Corporation is devoting his time in the works he is employed or in the manner of his past record. If as a matter of fact I find that a man after being convicted of a political offence has made his position so clear as to devote his full time and energy to the service of the Corporation, I for one have not the slightest objection if the Bill makes provision for the employment of such a person. At the same time my views as a result of my connection with local bodies of *mufassal* for the last 16 years are that it will be a most undesirable state of affairs if their employees are permitted to take part in things other than what are in the interests of the local bodies themselves. If perchance these employees be convicted later on and the local bodies still employ them, I think there should be some remedy found for this.

The second point which emerges from the Bill is whether the Bill should have retrospective effect. There are many in this House who feel that it would be preferable if the retrospective character of the Bill is done away with and some such provision made in the Bill by which opportunity can be given to those who want to stay in the Corporation to devote their energies and their services to the interest of the Corporation. It will not be difficult for the Select Committee to suggest or make such a provision in the Bill both in the interests of the Corporation and the employees.

Sir, the third point which emerges from this Bill is—should there be adequate provision in the Bill for the purpose of quickly disposing

of audit objections? Fourthly, should the financial administration of local bodies have more rigid control and safeguards. Now, I have been connected with local bodies, as I have said, for the last 16 years and I can say that it has unfortunately been the tendency of some institutions to drag on audit affairs from year to year. My friend Mr. Basu has referred to the Public Accounts Committee and has said that the departments of Government are no less guilty of dragging on affairs. I would remind him the Parliamentary procedure, and I think he knows it, that the Public Accounts Committee have the constitutional right to disallow any item of expenditure which has been proved unjustifiable and if that item of expenditure is disallowed by the Public Accounts Committee the accounts officer responsible for it has to make good the amount spent. I may say that there is no such provision in the Local Self-Government Act or the Calcutta Municipal Act by which this power can be exercised. The Corporation of Calcutta, or for the matter of that every local body in the Presidency, should have full autonomous power for its development and should have the full authority to govern its own affairs. But there should be certain safeguards which are necessary in the interest of the people and which the Legislature in financial interest thinks fit to put in. As Mr. Townend has put it, and as a matter of fact it is desirable that all schemes costing, say, over a lakh of rupees should receive the sanction of certain authorities and I think this is necessary for the purity of financial administration lest somebody should question the character of the scheme before it is given effect to. I must say at this stage that the question in this matter is whether or not the State and the Legislature should have some ultimate reserve power by which it may be possible for it to interfere in case of maladministration. I do feel from what the Hon'ble Minister has said, that the whole position is reduced to this: of late there have been certain definite allegations against the Corporation. Whether they are right or wrong it would be open for the Select Committee to find out the truth of the allegations. But for the time being you accept the position as stated by the Hon'ble Minister. Admitting that these allegations are being made, it is only desirable that the matter should be sifted in its full detail.

Sir, much has been said by Mr. P. Banerji that there has been improvement in water-supply and in other matters. I do not for a moment question it and I do not say that the money which has been spent by the Corporation has been wasted: I do not for a moment suggest that even the electric works which have been undertaken by the Corporation are not to the advantage of the rate-payers; but as Mr. Townend said, such schemes should have been initiated only with the consent of the Government and I feel that the Corporation should not have taken up the work before Government consented to them; so long as such a provision remains in the Statute Book, it is only desirable that local bodies should look to those aspects first before taking

action in the matter. Therefore I say that it admits of no doubt—and I am saying this purely as a matter of supposition—that if there is any misuse of power—I do not for a moment say that there has been misuse of power—but if their has been any allegation of misuse of power, it is open to this House in the Select Committee, before a decision is arrived at, to fully inquire into the matter before the Select Committee sends up the Bill to this House for decision. I, therefore, say that when the Hon'ble Minister has put forth a case and we have not the other version, it is only desirable that the matter should not be left to the elicitation of public opinion, as they are not after all the competent body to decide the question. It will be open to the Select Committee to ask the Calcutta Corporation to make a statement about the allegation that there has been financial irregularities. I am sure, that if the Corporation is able to satisfy the Select Committee will not send up the Bill in the form in which it is at present. I fully agree with Mr. Miller that often times in this country audit is more obstructive than anything else and the tendency of the audit is to interfere with matters of internal administration. At the same time I must say that audit has brought out many cases of maladministration which are not very small. There should be some reserve power somewhere to safeguard public financial interests in case of maladministration. This Bill is not unprecedented in its character. Under the present Act Government have certain reserve power and it is the Government that desire that certain other provisions should be brought in. I do not find that there is any inconsistency in the position taken up by Government that the safeguards provided in the present Act are not sufficient to deal adequately with the problems arising and it is for the Select Committee to decide as to the necessity and efficacy of the measures which the Government has proposed. I believe that as a result of the proceedings of the Select Committee the Mayor of Calcutta will find that this legislature is not a pliant body only anxious to meet the wishes of the Minister, but that it will certainly fulfil its functions in scrutinising the measure in all its details. It is known to everybody in this House that the independence of the local bodies is a cherished tradition in Bengal. The Bengal local bodies stand on a much better footing than those in the other provinces, but that is no reason why Bengal should lag behind other provinces in the purity of their administration where cases of emergency have arisen.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I can fully appreciate the standpoint of my friend Mr. N. K. Basu and others who have supported the motion for eliciting public opinion. I can appreciate their objection that the Bill is going to affect the independence of a public body. I am sorry, however, that they are not looking at this from the larger standpoint, the larger interest of the people, I mean the ratepayers and the citizens of Calcutta. The Calcutta Corporation, as has already been said, is a creation of statute and is the custodian or the trustee of the rights and interests of the citizens of Calcutta. It is

expected that in the ordinary course they should discharge their trust properly and fairly to every body. That was the intention and the spirit in which the Act of 1923 was passed in this House and initiated by the great nationalist Sir Surendranath Bannerjea. No restraining provision was introduced into that Act in the nature of safeguard which is now attempted to-day, because very likely the father of the Act trusted the good sense of the Corporation more than probably their subsequent conduct deserved. If the father of the Act at that time thought that the Corporation would at some time or other be captured by a particular political body in Bengal and would be worked not in the interests of the citizens of Calcutta as a whole but of a particular party, I am sure that provisions would have been made by him in the Bill to prevent such a calamity. As things are, whatever might be said it must be admitted that there is a feeling in Calcutta as well as elsewhere, a feeling of discontent that the Corporation is being run purely on party lines in the interests of a particular political party and not always in the interests of the citizens of Calcutta. One of the reasons why I am not very enthusiastic about this Bill is that the real defects of the administration of the Calcutta Corporation will not be cured by the Bill which is before us. Most of the defects will still continue. I do not think that the principle of control is either against the rules of local self-Government or against the interests of anybody. If the Calcutta Corporation as trustees do not discharge their duties properly, there must be somebody else, some higher authority who must bring them to book. That is the point of view from which I would support the proposed legislation. I am not in agreement with all the provisions of the Bill: as has just been mentioned by Khan Bahadur Azizul Haque, I am very doubtful as regards the fairness of the provision about retrospect in the case of officers who have already been appointed and who may have been reformed, but these are things which can be considered and remedied in the Select Committee. A Bill of this nature to exercise some sort of control over the administration of the Corporation is necessary and is urgent. We who have to look to and safeguard interest of the ratepayers of the Corporation, many of whose feelings I know more than my friend Mr. N. K. Basu, can say with a certain amount of assurance that the feeling is there that the Corporation is not doing what it ought to do. Public money is wasted——

Mr. NARENDRA KUMAR BASU: Why not suppress it?

Khan Bahadur MUHAMMAD ABDUL MOMIN: My friend asks why not suppress it. I would welcome suppression if by that means a better administration could be assured. Since there is such an outcry for such a small amount of safeguard I do not know what will happen

if the Corporation were suppressed. There is nothing new in the suppression of local bodies in Bengal; cases are not rare where district boards and municipalities in Bengal have been superseded for maladministration, much less maladministration than that of the Calcutta Corporation. But no action has been taken so long in regard to the Calcutta Corporation and this is because the Corporation has got more vocal support here and elsewhere than the poor *mufassal* municipalities. My leader Mr. Fazl-ul Huq has said that nobody should be penalised for his political opinion. I entirely agree with him in his view. In the present case, however, it is not the opinion but the opinion translated into action that is objected to. It is not the political opinion of the Corporation employees but their activities not always from conviction but largely in the hope of reward, which is still objectionable, that this Bill attempts to check. There is provision in this Bill that in many cases Government can condone such activities where the employees have reformed. What has been found is that not only the Corporation overlook these facts but as a matter of fact the political body which now control the Corporation actually encourage such activities on the part of their employees. These employees allow their legitimate duties to suffer on account of their activities elsewhere. If a man enters a particular department it is his duty to place himself body and soul to the discharge of his duties and not to be concerned with the political activities either of the power that be or any body else. What is intended by this Bill is that they should in future employ men with proper qualifications and not pay any particular premium on their conviction for political offence.

As regards the second part of the Bill the Hon'ble Minister has given an instance of the misuse of public money. I can quote another and which is perhaps known to my friend Mr. N. K. Basu: it is the Dhapa lease. What has the Corporation been doing for the last three years? For those members of the House who are not aware of this I may briefly explain the position. This Dhapa square mile was in the possession of a particular gentleman, I do not know for how many years, and the lease expired about three years ago. Under the lease the lessee used to do the unloading of the refuge wagons and in addition pay the Corporation a sum of Rs. 10,000 for the use and occupation of the Dhapa ground. When the lease expired various parties came forward and there was a conflict between the various applicants for the lease of the Dhapa lands, with the result that the matter has not been decided yet although three years have expired and every year the Municipality has been spending Rs. 70,000 for unloading.

It has involved a loss of about Rs. 2 lakhs, and in spite of the fact that the Accountant has been sending reminders to the Corporation almost at every meeting, the matter remains still unsettled, because the parties cannot agree as to which lessee should be selected—whether the former one or the new one——

Dr. NARESH CHANDRA SEN GUPTA: Is not there a knotty question involved in this matter?

Khan Bahadur MUHAMMAD ABDUL MOMIN: All questions can be made knotty and even so, knotty questions can be solved. When it is a question of other people's money, the question of party politics always comes in.

Mr. NARENDRA KUMAR BASU: How does the Bill help us in this particular instance?

Khan Bahadur MUHAMMAD ABDUL MOMIN: That is why I say I am not very enthusiastic about the Bill as it does not go far enough, still I think it is time that the Corporation should know that there are other bodies who can control them and that they are not at liberty to do what they like with other people's money.

Babu KISHORI MOHAN CHAUDHURI: Sir, on a point of order, I may submit that there is an amendment standing in my name which has been allowed. My motion asks not only for circulation but also lays down a time-limit, viz., the 15th September, 1933.

Mr. PRESIDENT: Kishori Babu, perhaps you did not hear what I said with regard to those motions. I selected only one motion, it being substantially identical to the rest and I allowed Mr. Banerji's amendment, proposing to change the date by which opinions on the Bill are to be collected. Your motion does not therefore arise.

Mr. NARENDRA KUMAR BASU: Sir, may I point out that there is authority for the Chair to select motions when there are several motions. Rule 40 does not relate to amendments at all, it relates only to motions——

Mr. PRESIDENT: Mr. Basu, if you go through the definition of an "amendment", as given in our Manual, you will find that an amendment is also a "motion".

Mr. SHANTI SHEKHARESWAR RAY: Sir, on a point of order, may I respectfully draw your attention to Rule 43, of the Rules and Standing Orders, where it is provided that it shall be in the discretion of the President to put first either the original motion or any of the amendments which may have been brought forward? I respectfully submit that the Chair is perhaps making a confusion between the right of putting to the vote a motion and the right of asking a member to move his amendment, because if the Chair takes upon itself the right of changing the order of the Agenda Paper, then practically it would be useless to send notices of amendments——

Mr. PRESIDENT: No, Mr. Ray, you are mistaken. I take my stand on section 46 and not on section 43. It provides that it shall be in the discretion of the President to decide which of the substantially identical motions shall be moved.

Mr. NARENDRA KUMAR BASU: Any of the amendments——

Mr. PRESIDENT: Yes.

Mr. SHANTI SHEKHARESWAR RAY: Sir, there is a distinction between a motion and an amendment——

Mr. PRESIDENT: Order, order. I have fully explained the position.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, at the outset I must congratulate Mr. Fazl-ul Huq for the sober, straightforward, frank and dignified manner in which he has moved his amendment. He has clearly stated that he is in full sympathy with the audit portion of the Bill. He is of opinion that these provisions are going to be introduced not a day too early.

As regards the terrorists also, he agrees with the provisions of the Bill, but he only differs on one point, viz., about the employment of persons convicted in the civil disobedience movement. Mr. Fazl-ul Huq is of opinion that no one should be penalised or debarred from service under the Corporation or for the matter of that from any public service because of the political opinion he holds. As has been said by several speakers before me, no one is going to be penalised for holding any particular political opinion—that is not the intention of Government.

The Bill proposes that when that opinion is translated into action, as was pointed out by my esteemed friend, Khan Bahadur M. A. Momin, the Bill comes into operation or the person comes under the purview of the Act. The Corporation employ teachers for the primary schools and these teachers are given facilities by granting of leave to serve their terms of imprisonment for anti-Government activities. Government can never acquiesce to this position. It is not the duty of a body—a body which has been created by the Statute—to allow its officers to take part in the civil disobedience movement or in any form of anti-Government activities. It has been said, if I remember aright, by Mr. P. Banerji, that persons convicted for their political opinions are allowed to hold high offices and become public leaders. That is so, because they are politicians or statesmen. The Bill does not suggest

that anyone convicted of any offence during the civil disobedience movement should not stand for election to the Corporation as a Councillor or an Alderman; that is a privilege which is always conceded to politicians or public men. But the permanent staff of a Government or a public body should have no politics. It is a dangerous principle to allow the permanent staff to take part in politics. In Great Britain one Ministry comes in and another goes out. The permanent staff remains the same and they carry out the policy of the party in power or the Ministry in power; but if the permanent staff takes into its head that they should be liberals, conservatives or labourites, the whole thing will collapse at once and party Government will cease to function.

Sir, Mr. Fazl-ul Huq has stated that public bodies were not given an opportunity to express their opinion on this Bill. The Bill was introduced in the last session of Council; it was published a day before in the *Calcutta Gazette*; it was in the hands of everybody the next morning. The newspapers, especially the Nationalist Press, have written more articles on this Bill than on any other topic during the last four months. If this is not public opinion, I do not know what public opinion is. The Bill was placed before the Corporation for an expression of their opinion. The Corporation discussed the Bill threadbare for 3 days and arrived at the conclusion that according to the Corporation the Bill was unjust and unnecessary. The Corporation refused to express any opinion on the merits of the measure. Now, it is before the House. Here are the representatives of the whole of Bengal—representatives of different constituencies, representatives of different classes and interests—and the decision of this House will be the final decision. If it is not public opinion I do not know what public opinion is. Sir, in view of the fact that my friend has accepted three-quarters of the Bill, I think that is sufficient justification for Government to ask him to withdraw his motion and to agree to the reference of the Bill to the Select Committee. Sir, the time is almost up; I wish I had more time to reply to the points raised by Mr. N. K. Basu but I am afraid I have to leave them unanswered.

On the motion that the Bill be circulated for the purpose of eliciting public opinion being put, a division was claimed with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Huq, Mr. A. K. Fazl-ul.
Malik, Mr. B.
Poddar, Mr. Ananda Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hoseni.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Jogesh Chandra.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sircar, Dr. Sir Nilratan.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Aswerth, Mr. C. B.
Bakh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Banerji, Rai Bahadur Sailendra Nath.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Shaib Panchanen.
Basir Uddin, Khan Shahib Maulvi Mohammed.
Basu, Babu Jatindra Nath.
Bose, Mr. S. M.
Gattamley, Mr. J. M.
Bora, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. B. J.
Dale, Mr. B. R.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Edgley, Mr. N. B. A.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Faweus, Mr. L. R.
Ferguson, Mr. R. H.
Ghaznavi, the Hon'ble Alhadj Nawab Bahadar Sir Abdelkarim.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Haque, Khan Bahadar Maulvi Azizul.
Hagg, Mr. S. F.
Heaper, Mr. S. G.
Hazain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Lochhart, Mr. A. R. E.
Maguire, Mr. L. T.
McGlashie, Mr. E. T.
Miliar, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mahunda Behary.
Nag, Revarend B. A.
Nandy, Maharaja Sris Chandra, at Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. W. H.
Nichols Mr. C. K.
Philpot, Mr. H. G. V.
Poddar, Mr. Ananda Mohan.
Prentice, the Hon'ble Sir William.
Quasem, Maulvi Abul.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mahan.
Ray, Babu Nagendra Narayan.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Babu Haribansa.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Ray, Mr. S. N.
Sandetullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Sahib Rohati Mohan.
Sen, Rai Sahib Akshay Kumar.
Sen, Mr. S. R.
Sen, Rai Bahadur Giris Chandra.
Steven, Mr. J. W. R.
Sumner, Mr. C. R.
Townsend, Mr. H. F. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 17 and the Noes 84, the motion was lost.

Mr. PRESIDENT: With regard to the motion of the Hon'ble Minister to refer the Bill to the Select Committee, I should like to split it up into parts, because I have got to deal with several amendments in regard to the personnel of the Committee and the time by which the report should be presented to this House. Then there is also the question of quorum. The question before the House is that the Calcutta Municipal (Amendment) Bill, 1933, be referred to the Select Committee.

The motion was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 10th August, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 10th August, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 114 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Rangram Bridge Scheme.

***20. Maulvi ABDUS SAMAD:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that there is no bridge on the river Dwarka at Rangram, Kandi subdivision, in the district of Murshidabad; and

(*ii*) that the district board of Murshidabad having resolved to construct a bridge at Rangram has sent an application to the Government for sanction to the construction of the proposed bridge and has also applied for the sanction of a loan?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken by the Government on the said application?

(*c*) Is it a fact that the district board prayed for sending a deputation to wait upon the Hon'ble Minister to explain the matter?

(*d*) Did the Hon'ble Minister receive the deputation? If not, why not?

(*e*) Are the Government considering the desirability of expediting the sanction of the project?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Yes.

(*ii*) Yes.

(*b*) The application is being subjected to examination.

(*c*) Yes.

(*d*) No: because at that stage no useful purpose would have been served by receiving it.

(*e*) It is impossible to promise to give any preference to this scheme.

Maulvi SYED MAJID BAKSH: With reference to (*d*), is it not a fact that much difficulty would have been obviated or avoided by a face-to-face discussion with the deputation?

Mr. PRESIDENT: I am afraid I cannot allow that question. It is a matter of opinion.

Rajapur-Ramchandrapur Railway project.

*21. **Babu KHETTER MOHAN RAY:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware—

(*i*) that the Railway Board have sanctioned the construction of a branch line from the Rajapur railway station of the Assam-Bengal Railway to Ramchandrapur in the district of Tippera;

(*ii*) that a preliminary survey has been made?

(*b*) Do the Railway authorities intend to take up the construction of the proposed line in the near future?

(*c*) Is the Hon'ble Member aware that the proposed line, if constructed, will open up a vast tract of jute areas and will facilitate communication and develop trade?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) (*i*) No sanction has been received from the Railway Board to the construction of this line.

(*ii*) Yes.

(*b*) This Railway is on the list of proposed extensions of the Assam-Bengal Railway to be undertaken when financial conditions improve generally.

(*c*) Yes.

Maulvi SYED MAJID BAKSH: Will not the extensions itself improve the financial condition?

The Hon'ble Mr. J. A. WOODHEAD: I leave the Hon'ble Member to form his own judgment.

Motor-vehicles tax.

***22. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the total amount realised so far since the imposition of the motor-vehicles tax?

(*b*) Has the money been allocated to the improvement of roads?

(*c*) If the answer to (*b*) is in the negative, how has the money been disposed of?

(*d*) Will the Hon'ble Minister be pleased to state whether the money will be allotted to the municipalities of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*d*) Reference is invited to the reply to starred question No. 7 put by Maulvi Abdus Samad at this session

(*c*) Does not arise.

Indian National Congress.

***23. Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the 47th session of the Indian National Congress which was held in Calcutta on the 1st of April, 1933, was banned by the Government?

(*b*) If the answer to (*a*) is in the negative, why were the delegates arrested at different places in Bengal on their way to attend the said Congress at Calcutta?

(*c*) Is it a fact—

(*i*) that the said Congress actually held its sitting at the Esplanade Junction;

(*ii*) that the delegates attending the Congress were dispersed by a *lathi* charge;

(*iii*) that as a result of the *lathi* charge several persons were injured;

(*iv*) that some were taken into custody and detained in the Lal-bazar lock-up; and

(*v*) that those taken into custody were assaulted by the police?

(*d*) If the answer to (*c*) is in the affirmative, under what authority was the same done?

(*e*) Will the Hon'ble Member be pleased to state whether any report regarding the abovementioned incidents was called for by the Government of India?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state whether any report has been submitted to the Government of India?

(*g*) If so, are the Government considering the desirability of laying a copy of any such report on the table?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) The Reception Committee of the Indian National Congress, 1933, was declared to be an unlawful association under section 16 of the Indian Criminal Law Amendment Act, 1908.

(*b*) As civil disobedience was at that time the avowed policy of the Congress, action was taken under the provisions of the Public Security Act, 1932, to prevent the holding of the conference.

(*c*) (*i*) An attempt was made to hold a meeting of the Congress at Esplanade Junction.

(*ii*) and (*iii*) In the case of delegates who refused to disperse, the minimum of force was used either to effect arrest or to secure dispersal and some injuries were inflicted.

(*iv*) Yes.

(*v*) No.

(*d*) *Vide* answers to (*a*) and (*b*) above.

(*e*) and (*f*) Yes.

(*g*) No. The member is referred to the communiqué issued on 29th May by the Government of India.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is a fact that the Government of Bengal instituted an inquiry into the matter at the instance of the Government of India?

The Hon'ble Sir WILLIAM PRENTICE: The Government of India sent down a copy of the statement that was produced before them and asked for a report.

Mr. SHANTI SHEKHARESWAR RAY: I submit that the Hon'ble Member is not giving a straight answer to a straight question. I seek the protection of the Chair.

Mr. PRESIDENT: What is your question?

Mr. SHANTI SHEKHARESWAR RAY: Is it not a fact that the Government of Bengal instituted an inquiry into the matter at the instance of the Government of India?

The Hon'ble Sir WILLIAM PRENTICE: I have given my answer.

Mr. SHANTI SHEKHARESWAR RAY: I am afraid that does not cover my question.

Mr. PRESIDENT: Sir William, please repeat your answer.

The Hon'ble Sir WILLIAM PRENTICE: The Government of India sent down a copy of the statement that was supplied to them and asked for a report.

Mr. PRESIDENT: Mr. Ray cannot criticise the answer, but if he is not satisfied he may put further supplementary questions.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the Government of Bengal proposes to issue a communiqué in connection with the matter as promised by the Secretary of State for India in the House of Commons?

The Hon'ble Sir WILLIAM PRENTICE: Not knowing the statement of the Secretary of State referred to, I cannot answer that question.

Mr. P. BANERJI: In the reply it is stated that an attempt was made to hold a meeting. Will the Hon'ble Member be pleased to state whether the meeting was actually held and speeches delivered?

The Hon'ble Sir WILLIAM PRENTICE: Various attempts were made to deliver speeches which were interrupted.

Mr. P. BANERJI: In this House, in reply to a question by Mr. J. L. Bannerjee in the last Session of the Council, it was declared by the Hon'ble Member that the Congress was not an illegal body and is——

Mr. PRESIDENT: What is your question? I am afraid I cannot allow you to make a speech.

Mr. P. BANERJI: My question is a long one.

Mr. PRESIDENT: Long or short, it must be put in the form of a question.

Mr. P. BANERJI: Is it not a fact that on a question put by Mr. J. L. Bannerjee, the Hon'ble Member in the last Council Session stated that the Congress was not an illegal organisation?

The Hon'ble Sir WILLIAM PRENTICE: If you show me the answer, I can say yes or no. So far as I am aware, what I said was that the Indian National Congress itself had never been declared to be an unlawful association.

Mr. P. BANERJI: That being so, why is it that an attempt was made to disperse the members of the Congress holding a Sessions of the Indian National Congress?

The Hon'ble Sir WILLIAM PRENTICE: I would refer the Hon'ble Member to answer (*b*).

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the first notice of an inquiry being considered necessary was on receipt of the report or whatever it was from the Government of India?

The Hon'ble Sir WILLIAM PRENTICE: Yes.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether it was not brought to his notice that aspersions were being made against the police requiring an inquiry?

The Hon'ble Sir WILLIAM PRENTICE: Till that representation was made at Delhi, we never heard of these allegations.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether it is in the knowledge of the Government of India that Pandit Madan Mohan Malaviya has since the publication of the communiqué referred to in reply to (*g*) reiterated the statement that there was this sort of assault and that he asked for an open inquiry?

The Hon'ble Sir WILLIAM PRENTICE: I have seen such a statement in the papers.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Member consider it necessary in any way to hold an inquiry into the matter?

The Hon'ble Sir WILLIAM PRENTICE: No.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state who held the inquiry into the matter?

The Hon'ble Sir WILLIAM PRENTICE: The Government of Bengal with the material at their disposal.

Maulvi SYED MAJID BAKSH: With reference to (*ii*) and (*iii*), will the Hon'ble Member be pleased to state what was the nature of injuries?

The Hon'ble Sir WILLIAM PRENTICE: If you give me notice, I will let you have the information. So far as I remember they were very minor injuries except one.

Maulvi SYED MAJID BAKSH: Was any person injured and sent to hospital?

The Hon'ble Sir WILLIAM PRENTICE: So far as I can recollect, only one. But I am speaking from memory.

Maulvi SYED MAJID BAKSH: How long was he detained in the hospital and when was he discharged?

The Hon'ble Sir WILLIAM PRENTICE: I asked for that information some time ago. But I have not received it yet. I will give you the information when I get it.

Mr. SHANTI SHEKHARESWAR RAY: Did the Government of Bengal put any notice inviting the public or the people concerned to submit facts when they held an inquiry?

The Hon'ble Sir WILLIAM PRENTICE: No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Loan Offices.

9. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Is the Hon'ble Member in charge of the Commerce Department aware of the critical financial condition of the numerous Joint Stock Banks of the Province and the sufferings of the depositors and the shareholders thereof?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, do the Government propose taking in the matter?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) It is presumed that the member is referring to Loan Offices and not to Joint Stock Banks. While Government have no evidence showing that the Loan Offices of Bengal are generally in the state indicated by the member, there can be no doubt that they have been severely hit by the depression.

(*b*) The matter is under consideration.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state the effect of the severe hit as stated in his answer 9(*a*)?

The Hon'ble Mr. J. A. WOODHEAD: I can only repeat the words "severely hit."

Babu HEM CHANDRA ROY CHOUDHURI: What are the effects of that hit?

The Hon'ble Mr. J. A. WOODHEAD: Not admissions to hospital as far as I know.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Member aware that most of these loan offices have been hardly hit because in time of surplus they never built a reserve fund?

The Hon'ble Mr. J. A. WOODHEAD: They are badly hit, largely because their deposits are short term and their loans are long term.

Motor-vehicles tax.

10. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the total amount of tax realised during the last financial year from motor vehicles under the Bengal Motor Vehicles Taxation Act?

(*b*) When do the Government propose distributing the proceeds amongst the different local bodies in this province?

(*c*) Is the Hon'ble Minister aware that there is a feeling of discontent amongst the various local bodies on account of the delay of the Government in framing a scheme for the distribution of the proceeds?

(*d*) Is the Hon'ble Minister aware that many local bodies have been compelled to hold up urgent schemes of road improvement on account of this delay in distributing the amount?

(*e*) What is the cause of the delay in distributing the tax proceeds?

(*f*) Are the Government considering the desirability of distributing in future as well as in this year these grants twice a year after the taxes are realised.

(*g*) Will the Hon'ble Minister be pleased to state what amounts have been realised by Government every quarter under this head in this financial year?

(*h*) When will this amount be distributed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*g*) The member is referred to the reply to starred question No. 7, put by Maulvi Abdus Samad at this session.

(*c*) and (*d*) No.

(*e*) Many returns received from local bodies were incomplete or incorrect: and the scheme could not be worked out till all were received in a correct form.

(*f*) No.

(*h*) Next year.

Mr. S. M. BOSE: With reference to (*h*), is it intended that this year no money will be allotted at all?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This refers to this year's allocation which will be distributed next year.

Maulvi SYED MAJID BAKSH: What about the previous year's allocation?

(No answer.)

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1933.

Mr. PRESIDENT: We shall now take up the question of the personnel of the Committee to which the Calcutta Municipal (Amendment) Bill, 1933, will be referred.

The following motion was then put and agreed to:—

"That the Calcutta Municipal (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(*1*) Babu Jatindra Nath Basu,

(*2*) Babu Sarat Chandra Mittra,

(*3*) Mr. S. M. Bose,

(*4*) Mr. Narendra Kumar Basu,

(*5*) Mr. Sarat Kumar Roy,

(*6*) Mr. A. Raheem, C.I.E.,

(*7*) Maulvi Muhammad Saadatullah,

(*8*) Maulvi Abul Kasem,

(*9*) Khan Bahadur Maulvi Azizul Haque,

(*10*) Khan Bahadur Muhammad Abdul Momin,

(*11*) Mr. D. J. Cohen,

(*12*) Mr. C. C. Miller,

(*13*) Mr. H. P. V. Townend,

(*14*) Rai Bahadur G. C. Sen,

(*15*) Rai Bahadur Dr. Haridhan Dutt,

(*16*) Mr. A. K. Fazl-ul Huq, and

(*17*) the Hon'ble Sir Bijoy Prasad Singh Roy."

Mr. PRESIDENT: I would now take up the question with regard to the date by which the Report of the Select Committee should be forwarded to the Council.

Mr. NARENDRA KUMAR BASU: I move that for the words and figures "by the 16th August, 1933," the words "as soon as possible" shall be substituted.

So far as I can see, there is no desperate hurry about this Bill. If it is a good Bill and if it is considered to be one that ought to be passed, it can be passed in the next Session of the Council as well. Moreover, from what the Hon'ble Minister said yesterday, I gathered the impression that he would welcome the suggestion in Select Committee of the taking of evidence and the ascertainment of views of the Calcutta Corporation as well as of any rate-payers and others who might be willing to come and give their opinion. In these circumstances, we being to-day on the 10th of August, and the report being proposed to be submitted by the 16th of August, barring Saturday and Sunday, only 3 or 4 days are left. Speaking for myself, I have been asked to be a member of the Select Committee. I have unfortunately some other things to do than attending meetings of Select Committees. For example, there are other Committees also, and then I have to earn my livelihood. I also think that it will not be convenient for the other members of the Select Committee to attend daily sittings for these 3 or 4 days. Nor do I think that 3 or 4 days will be quite enough for the deliberations to be concluded, and if my amendment is accepted, it will not in any way prohibit the report from being submitted to the Council during the present Session I say "as soon as possible" does not necessarily mean that the report should stand over to the next Session. I submit that this hard-and-fast limitation of the time during which the report is to be submitted, namely, the 16th August, when only 4 days are practically available to us, would hardly enable us to do justice to the gravity and magnitude of the question. I, therefore, commend my motion to the acceptance of the House.

Mr. S. M. BOSE: I beg to move that in the portion of the motion relating to the date of the submission of the Report, for the figures and word "16th August" the figures and word "24th August" be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am afraid I have to oppose the amendment moved by my friend Mr. Narendra Kumar Basu. The words "as soon as possible" make the date very indefinite. Though there is no desperate hurry, but still we want to be businesslike and finish it as quickly as possible.

Mr. NARENDRA KUMAR BASU: That means as soon as possible also.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My interpretation of the words "as soon as possible" would make the date very indefinite and that is the intention of the mover, I fear. That is my inference at least.

As regards what I said yesterday, I find that there is some misunderstanding. I never intended the rate-payers of Calcutta to come and place evidence before the Select Committee; nor did I suggest that the Corporation should come and place evidence before them.

Mr. PRESIDENT: How does it arise from these amendments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Basu just now referred to the matter of taking evidence by the Select Committee. I only said that the Corporation was given ample opportunity of explaining its case, and that opportunity was not availed of by them. The Select Committee has the inherent right to be satisfied on any particular point it likes, and the Corporation can make their submission before them. That is all that I said. So I have to oppose the amendment of Mr. Basu.

As regards Mr. S. M. Bose's amendment, I would suggest the 18th of August in place of 24th if that would be acceptable to the hon'ble member.

Mr. S. M. BOSE: I accept the change of date, Sir.

Mr. PRESIDENT: I suppose somebody must move that as an amendment.

Mr. H. P. V. TOWNEND: With your permission, Sir, I would move that the words "24th August" in the amendment of Mr. S. M. Bose be substituted by the words "18th August."

Mr. PRESIDENT: Then, what about the Hon'ble Minister's own motion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am prepared to accept the amendment of Mr. Townend as regards the date.

Mr. Narendra Kumar Basu's motion being put a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nural Abser.
Maiti, Mr. R.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Hemanl.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Jogesh Chandra.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Ashworth, Mr. S. S.
Bal, Babu Lalit Kumar.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Burn, Mr. R. N.
Cohan, Mr. D. J.
Dain, Mr. S. R.
Das, Rai Bahadur Kumini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Datt, Rai Bahadur Dr. Haridhan.
Edgley, Mr. H. G. A.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ferguson, Mr. R. N.
Ghose, Rai Bahadur Basanta Gomar.
Ghaznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Hogg, Mr. G. P.
Hooper, Mr. G. B.
Hussain, Nawab Musharraf, Khan Bahadur.
Hussain, Maulvi Mohammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Bazlur Rahman.
Khan, Maulvi Tamizuddin.
Lebedeff, Mr. A. G. E.
Maguire, Mr. L. T.
Mason, Mr. G. A.
McGlashie, Mr. E. T.
Miller, Mr. G. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mittar, Mr. S. C.
Mittra, Babu Sarat Chandra.
Nag, Revd. B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. W. H.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Sir William.
Qasem, Maulvi Abul.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Rahman, Maulvi Asizur.
Ray, Babu Khetter Mohan.
Ray, the Hon'ble Sir Bijay Prasad Singh.
Ray, Babu Haribansa.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, Mr. S. N.
Saadatullah, Maulvi Mohammad.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Abhay Kumar.
Sen, Mr. B. R.
Sen, Rai Bahadur Giris Chandra.
Sulaiman, Maulvi Mohammad.
Stevens, Mr. J. W. R.
Townend, Mr. H. R. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 14 and Noes 68, the motion was lost.

Mr. Townend's motion was then put and agreed to.

Mr. PRESIDENT: There is one more matter which has not yet been disposed of and that is in regard to the quorum.

The question before the House is that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The motion was put and agreed to.

Mr. PRESIDENT: The position now is that the main motion of the Hon'ble Minister has been agreed to in the following amended form:—

"That the Calcutta Municipal (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(1) Babu Jatindra Nath Basu,
(2) Babu Sarat Chandra Mittra,
(3) Mr. S. M. Bose,
(4) Mr. Narendra Kumar Basu,
(5) Mr. Sarat Kumar Roy,
(6) Mr. A. Raheem, C.I.E.,
(7) Maulvi Muhammad Saadatullah,
(8) Maulvi Abul Kasem,
(9) Khan Bahadur Maulvi Azizul Haque,
(10) Khan Bahadur Muhammad Abdul Momin,
(11) Mr. D. J. Cohen,
(12) Mr. C. C. Miller,
(13) Mr. H. P. V. Townend,
(14) Rai Bahadur G. C. Sen,
(15) Rai Bahadur Dr. Haridhan Dutt,
(16) Mr. A. K. Fazl-ul Huq, and
(17) the Hon'ble Sir Bijoy Prasad Singh Roy,

with instruction to submit their report by the 18th August, 1933, and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Presidency Small Cause Court (Bengal Amendment) Bill, 1933.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir William Prentice): I beg to introduce a Bill further to amend the Presidency Small Cause Courts Act, 1882.

This Bill is the direct outcome of the recommendation in paragraph 171 of the Retrenchment Committee Report——

Mr. PRESIDENT: Before you make any observations, the Secretary may be allowed to read the title of the Bill.

The Secretary then read the short title of the Bill.

The Hon'ble Sir WILLIAM PRENTICE: I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Mr. N. G. A Edgley,

(2) Khan Bahadur Maulvi Azizul Haque,

(3) Mr. G. R. Dain,

(4) Maulvi Syed Nausher Ali,

(5) Babu Khetter Mohan Ray,

(6) Mr. L. T. Maguire,

(7) Mr. Mukunda Behary Mullick,

(8) Mr. Narendra Kumar Basu,

(9) Mr. Surendra Nath Law,

(10) Mr. S. M. Bose,

(11) Maulvi Tamizuddin Khan, and

(12) the mover,

with instruction to submit their report within seven days from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

As I said before, this Bill is the direct outcome of the recommendation contained in paragraph 171 of the Retrenchment Committee Report That Committee thought that their recommendation could be carried out without amending the law, but when we came to examine the question we were advised that that was not possible; the law had to be amended. In consequence, the law was examined in consultation with the Chief Judge of the Calcutta Small Cause Court and the present Bill is the outcome of our discussion with him. It is a very simple Bill, and the main discussions on it will, I imagine, relate to questions of detail which I hope will be taken up in the Select Committee provided the Council agrees to refer the Bill to the Committee. I may say that yesterday afternoon I received a printed representation from some pleaders of the Calcutta Small Cause Court regarding certain questions of detail. I have not had time to examine the report that I have received on these recommendations from the Judicial Secretary and the Chief Judge; but I gather that they are all questions of detail and are not vital to the principles of the Bill.

In selecting the members of the Select Committee for recommendation to the House, I have tried to secure representatives of all parties in the House and also of those who are by profession or for other reasons interested in the working of the Small Cause Court. I, therefore, move the motion that stands in my name.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th September, 1933.

The object of my amendment is to give the public an opportunity to express their opinion on the provisions of the Bill It is the litigant public who have got to pay the extra fees which are going to be imposed on them. Much prominence has been given to the recommendations of the Bengal Retrenchment Committee which in paragraph 171 of their Report noticed that although in *mufassal* Courts all applications must be stamped in accordance with fixed scale of fees, no fee is charged in the Small Cause Court, Calcutta, for certain classes of applications. The Committee could not find any reason why litigants in Calcutta should be in a privileged position in this respect. I do not question their finding, but I am bound to say that they acted on materials placed before them. There might have been some cogent reasons which prompted the framers of the Presidency Small Cause Court Act to dispense with the necessity of affixing Court fees in certain classes of applications. Small Cause Courts generally deal with petty claims, and it would be a great hardship if the parties are required to pay Court fees for all sundry matters. The refund to the parties of half the amount of fees paid up to that time when a suit is compromised before hearing under section 73, Presidency Small Cause Court Act, is a very salutary provision in helping compromise of cases before hearing. The anxiety for getting refund hastens the compromise and saves much time of the Court.

Although comparisons are "oderous" as Mr. Woodhead put it while presenting the budget estimates, I should like to ask the Hon'ble Member in charge of the Bill to bear in mind that the Civil Courts in the *mufassal* are Courts of Record, whereas the Calcutta Court of Small Causes is a Court of summary trial which had its origin from the Court of Request, where for the purposes of speedy disposal of suits the legislature purposely avoided cumbrous procedure. Most of the applications filed in the Calcutta Court of Small Causes mentioned in the Fifth Schedule of this Bill have all along been made verbally since its establishment about 180 years ago, whereas Civil Courts in the *mufassal* required such applications in writing.

Sir, I may also be permitted to submit that the institution costs in the Calcutta Court of Small Causes are much higher than the Court fees levied for suits in any other Court in British India including the Presidency Court of Small Causes in Bombay and Madras. The institution costs on a suit for Rs. 250 is Rs. 36-12 in the Calcutta Small Cause Court, whereas in Bengal *mufassal* Courts it is Rs. 28-12 and in the Bombay Small Cause Court it is Rs. 21-14 and in Madras Small Cause Court it is Rs. 29-10. On a suit for Rs. 500 the institution cost in the Calcutta Small Cause Court is Rs. 75-13, whereas it is Rs. 56-4 in Bengal

mufassal Courts, Rs. 53-2 in Bombay Small Cause Court and Rs. 45-12 in the Madras Small Cause Court. On a suit for Rs. 1,000 the institution cost in the Calcutta Small Cause Court is Rs. 122-11, whereas in Bengal *mufassal* Courts it is Rs. 112-8, in the Bombay Small Cause Court it is Rs. 84-6 and in the Madras Small Cause Court it is Rs. 78-4. On a suit for Rs. 2,000, the institution cost in the Calcutta Small Cause Court is Rs. 216-7, in Bengal *mufassal* Courts it is Rs. 187-8, in the Bombay Small Cause Court it is Rs. 146-14 and in the Madras Small Cause Court it is Rs. 142 only. From this it would appear that whereas the Court fees for institution of suits in the Calcutta Court of Small Causes are nearly 50 *per cent.* more than those in the Presidency Small Cause Courts in Bombay and Madras, they are also higher than the institution costs in Bengal *mufassal* Courts by 33 *per cent.* in suits up to Rs. 500, and about 10 *per cent.* higher in suits for Rs. 1,000 and 15 *per cent.* higher in suits for Rs. 2,000. These figures would indicate who are in a privileged position. I do not understand why the Calcutta litigants who have to pay 10 *per cent.* to 33 *per cent.* more than *mufassal* litigants in Bengal and 50 *per cent.* more than the Bombay and Madras litigants should be further taxed. The object of the Legislature in establishing these Summary Courts in the Presidency towns for speedy disposal would be frustrated if every application as mentioned in the new Schedule are required to be made in writing.

The application for leave to sue is part and parcel of the plaint. In the High Court this application is embodied in the plaint, whereas in the Small Cause Court, Calcutta, a separate application is attached along with plaint and when leave is granted on this application, the plaint is stamped. This is nothing but a preliminary step for filing the plaint, and I find no reason why it should be further charged with a Court fee.

It would unnecessarily increase the work of the Court if the applications which are now made verbally are required to be made in writing.

The process fees charged in the Calcutta Small Cause Court are abnormally heavy. For instance, in a suit for Rs. 2,000 for instalment, appointment of guardian, substitution and personal execution, the fee for issue of process is now Rs. 10 per process in the Calcutta Small Cause Court, whereas in the *mufassal* it is only Rs. 2 for processes to be served on four persons and annas 8 only for each extra process. If there are four minors for whom four guardians are to be appointed, or four legal representatives who are to be substituted or four defendants against whom body-warrants are applied for, the Calcutta Small Cause would charge Rs. 40, whereas the *mufassal* Courts would charge Rs. 2 only——

The Hon'ble Sir WILLIAM PRENTICE: On a point of order, Sir. Is this at all relevant? As a matter of fact, the Rai Mahasai has taken unnecessary trouble in quoting all these figures. They are all in the printed representation of the pleaders from which he copied them out. Under section 52 of the Rules and Standing Orders, he is not entitled to go into details at this stage.

Mr. PRESIDENT: I think the Rai Mahasai knows that at this stage we can only discuss the principles underlying the Bill. Of course, such details as are necessary to explain the principles of the Bill may be gone into. If you are being misguided by any printed matter, you will be well advised to part company with it (laughter). I am sure you are able to skip over some portions of your set speech (laughter).

MUNINDRA DEB RAI MAHASAI: Sir, I am only illustrating my points.

Mr. PRESIDENT: If you find any difficulty in explaining the principles underlying the Bill, you may refer to some details, but you are not entitled to discuss the details of the Bill at length at this stage.

Maulvi SYED MAJID BAKSH: On a point of order, Sir. Is not a member entitled to show that the fees are higher in Calcutta than elsewhere?

Mr. PRESIDENT: The rule definitely lays down that when the House is dealing with a motion to refer a Bill to a Select Committee, only the principles underlying it can be discussed and only such details as may be necessary to explain the principles.

MUNINDRA DEB RAI MAHASAI: The comparative figures which I just submitted would go to show that the Retrenchment Committee upon whose findings this Bill has been introduced have not given the matter the serious consideration which it deserved. It is also a strange irony of fate that while, all important recommendations of the Retrenchment Committee have been relegated to the cold shade of neglect and indifference, these minor matters should receive more attention than they deserved.

This is a taxation Bill and those who are required to pay the extra money should be given an opportunity to express their opinion thereon. Pray do not fix too high a price for selling justice——

Mr. PRESIDENT: What are your arguments for circulating this Bill? I want you to come to that, although I realise your difficulty—you are tied hand and foot to your manuscripts (laughter).

MUNINDRA DEB RAI MAHASAI: I want to impress upon this House that there is no need for extraordinary hurry in putting this Bill through and that an opportunity should be given to the public to express their opinion on this Bill, because those who pay fees should be given an opportunity to criticise it; that is my point.

I submit, Sir, that I am not going into the details. I was going to say that as it is a taxation Bill those who will have to pay it should be given an opportunity of expressing their views. I do not think there need be any extraordinary hurry about it. This is my point. The Bill can wait for a few months and you hold yourselves in patience till the other party has had time to go into it.

Mr. L. T. MACUIRE: Sir, I rise to support the motion before the House. I find in the Statement of Objects and Reasons that this Bill arises out of the Report of the Retrenchment Committee; they see no reason why litigants in Calcutta should be in a privileged position in respect of certain applications. I do not agree that the litigants of Calcutta are in a privileged position. Further, the Bill suggests that it is going to remove certain anomalies. I do not admit that there are any anomalies in existence There are differences in procedure and practice between the Presidency Small Cause Courts and the *mufassal* Courts and for obvious reasons. The Government must have had different objectives when they provided different sorts of Courts under different circumstances. The conditions in presidency towns are entirely different from the conditions in the *mufassal*, and accordingly there are two Acts regulating the two sets of Courts. If this Act is introduced and passed into law, then it will certainly create an anomaly, because for the special purposes which the Government had in view, it created in presidency towns Courts of Summary Jurisdiction, higher Court fee, special processes, and special privileges with regard to certain applications. On the one hand, the Presidency Court of Small Causes is at a disadvantage in the matter of Court fees. On the other hand, it has the privilege of not paying fees on certain applications. If you now superimpose all the Court fees which are to be paid in the *mufassal* Courts and at the same time compel the merchants, traders and landlords of Calcutta to pay the exorbitant fees which are now demanded in the Small Cause Courts, you will then undoubtedly create an anomaly, because then they will have to pay all that the *mufassal* men pay and more for certain processes for which the *mufassal* men pay a great deal less. I might be permitted to illustrate this: If there is a new trial application in the Court of Small Causes in Calcutta, and suppose the plaintiff has moved for the new trial and there are several defendants, the Calcutta Court of Small Causes in a suit of Rs. 1,000 charges Rs. 5 for each process, that is to say, if the man who has moved has to serve four processes he will have to pay Rs. 20. In the *mufassal*

I understand one has to pay only Rs. 2. Similarly, if there are any other applications of the same nature, the process fee in the *mufassal* is Rs. 2 for four persons, whereas in the Presidency Court of Small Causes if there are 6 plaintiffs and if a man makes an application to pay by instalments, he has to pay Rs. 30 for the processes. The man in the *mufassal* pays Rs. 3 only. Now, surely if you impose a further fee on these applications mentioned in the Schedule, when the process fee at present in the presidency towns is ten times as much and in some cases even more, you will then be really creating an anomaly. This Bill does not remove any anomaly. There are differences, I admit, but there is no anomaly. I submit that if it is the intention of the Government to put the Presidency Court of Small Causes on all fours with the *mufassal* Courts, do so: reduce the process fees, reduce the institution fees and bring all on an equal level. Furthermore, give the Presidency Court of Small Causes the same privileges that are enjoyed by the *mufassal* Courts. One of the provisions here is to levy half the *ad valorem* fees on applications under section 38. It is stated that this is an application in the nature of a review. In my opinion, it is neither an application for review nor is it an appeal. It is just an application before two Judges if the trying Judge makes a mistake on a point of law only. It has not the advantage of a review, because it is confined to a point of law: it has not the advantage of an appeal because who tried the suit sits with the Chief Judge to hear the application. It has the advantage of neither, and if it is turned down, you cannot go to the High Court because it has been held that the Court of Small Causes has jurisdiction to err. If you are going to ask the litigants of the Court of Small Causes to pay half the *ad valorem* fee, you will as a matter of fact make section 38 a dead letter. As it is, the litigants are far more satisfied, and you will not derive any fees from that direction. Looking at the Bill and taking into consideration the urgent recommendations of the Retrenchment Committee, which was after all a Committee of Ways and Means, we find nothing but an imposition of further taxes on the people who seek justice. I think that they should have an opportunity of expressing their views. I do not think, as has already been stated, that any great harm will result if they are allowed the opportunity. These differences have existed for 180 years and if the differences continue to exist for another six months or so, I do not think Government will be seriously affected. With these words I support the motion.

Dr. NARESH CHANDRA SEN GUPTA: Sir, in a Bill of this character it is very difficult to distinguish between principles and details. I have made an attempt to do so. Unfortunately, however, the hon'ble mover has not helped us in that matter. The first principle is, I take it, to squeeze the litigant as much as you can. Well, that

is the only thing you can find in the Bill. The second and the subsidiary principle is that there should be no difference between the litigants in Calcutta and the litigants in the *mufassal* in respect of privileges or, shall I say, obligations? I will examine these two principles only. Well, it is now accepted as more or less an axiomatic principle that when you want revenue for general purposes, you can put the screw down on the litigants just as much as you like. But in the past the revenues obtained from the litigants were said to be justified on the ground that the litigants got the benefit of it in the way of administration of justice. In ancient times, mediæval times and even in modern times people would simply shudder at the idea of selling justice at an exorbitant price. Considering the amount of Court fees that is derived from the litigants and the amount spent on administration of justice, the way in which the Courts are kept on niggardly rations so that every Judge is overworked, I say that it is selling justice at an exorbitant rate. I do not want that that policy should be further pursued by making further impositions on the litigants of Calcutta. Is it suggested that on the whole the litigants in Calcutta pay less than the *mufassal* litigants? Nothing of the sort. The Retrenchment Committee do not say so; Sir William Prentice does not say so. You pick out one or two items in the procedure of Presidency Court of Small Causes and of the *mufassal* Courts and say here is an anomaly. But the two systems are entirely different. There is a great deal of difference between the Original Side of the High Court and the *mufassal* Courts. In the *mufassal* Courts *ad valorem* fees are charged, whereas in the Original Side of the High Court no such fees are charged, but a litigant has to pay item by item for every bit of work that he gets done by the Court. Well, that is the complete difference in the system. Is it an anomaly? You may not love one system or the other, but they are two different systems altogether, and each has got its own principle of justification. If you ignore all these differences and pick out one or two items from the two systems, would you be justified in saying that there is an anomaly? Nothing would be more preposterous. What is the fundamental difference between the Presidency Court of Small Causes and the *mufassal* Courts? In the Presidency Court of Small Causes you have provided a Court which is to be the final judge of the litigation before it, except for a very limited jurisdiction of the High Court to revise under section 115 of the Civil Procedure Code. There is no appeal from the Presidency Court of Small Causes. It has not even to record the evidence. The whole record practically consists of a large sheet of paper. Because there is no appeal, there is no necessity for any further record. In the *mufassal* Courts you have got to keep in view that that litigation may go up on appeal and second appeal and even to the Privy Council. Therefore, in *mufassal* Courts you have got to keep a careful record of every little thing. What necessity is there for a written application in such cases? In the

mufassal Courts there is, however, such a necessity, as the records of these Courts have got to be put in order so that they might be investigated by the Appellate Court. That is the real difference in principle, and the whole procedure has got to be looked at in that light. If you look at it from that point of view, I do not think you will find any anomaly in the Presidency Small Cause Court whether the application is made in writing or made orally. If anomalies are so very distasteful, and if it is not for the sake of filthy lucre but you want to make the whole administration of justice uniform in the pursuit of some ideal of elegance, then you should revise the whole system, and I would welcome a new procedure for the Small Cause Courts which will make it possible for litigants to have more deliberate justice done than the summary justice at present meted out there and which would make it possible for the litigants to proceed in the same deliberate way in which things are done in the *mufassal* Courts and provide for appeals from the judgments of Small Cause Courts. If you do that, I can understand it; but you cannot pick a scrap from here and there and lop it off at random. In order to make it symmetrical, if you want to have summary trial and at the same time want to make it uniform, you will have to make a root-and-branch reform. Until you do that, there is no justification for this sort of patch-work except that you are after a few rupees or, say a few thousand rupees, which this Bill will bring into your exchequer.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, when this Bill is about to be sent to the Select Committee and when the members of this Council are afforded an opportunity of making observations on the principle underlying the Bill, I consider it my duty to place before the House the views of a layman. Sir, I am not a lawyer, but as a layman I have had some experience of the Small Cause Court. I have often found that the chance of compromise has a very salubrious effect, but that is suggested to be done away with by this Bill. That is a matter to which I take exception. We have noticed that men very often rush to law suits, but within a short time their minds change and they generally come to compromise. If no compromise be possible, then perhaps they will drag on their suits for an indefinite period, not to the benefit of either. That, Sir, is my experience in connection with some cases with which I have been connected, and I very much apprehend that if this Bill is passed in its entirety without any modification, it will be deleterious to the litigant public. We have very often seen that the chance of refund of half the money is indeed a great temptation and compromise is frequently effected. Not only that, when owing to compromise being effected a case goes out of Court, the work of the Judge is also very much simplified; why then the litigants should not get a portion of this money returned to them? This is the reason why I have thought it my duty to point out this objectionable

feature of the Bill, and I do so on behalf of the citizens of Calcutta. I hope that the members of the Select Committee will consider this matter and try to find out what the litigant public of Calcutta feel in this connection.

The Hon'ble Sir WILLIAM PRENTICE: Sir, as I explained, we proposed a Select Committee which we thought represented all the interests connected with the Small Cause Court—both the citizens of Calcutta and the practitioners—and we took care to put on the Select Committee Mr. Maguire. If you go through the names, you will see that the majority of the members we propose are residents of Calcutta and are people interested in the Small Cause Court. So we have no desire to burke discussion. The whole question is whether the Bill is to go into circulation in order to obtain opinions from certain bodies on it, or whether as the discussion will deal almost entirely with details you want it to be examined by a Select Committee; and we suggested that you should send it to the Select Committee in order that the details might be examined there. This Bill is purely a matter of details, for it seeks to amend certain specific provisions of an existing Act.

The Rai Mahasai in his inspired speech referred to various applications. He is, probably, not aware that all, except four, of these applications in the proposed new Schedule, are already made in writing to the Small Cause Court, and of the four exceptions several are usually made in writing. That is the information given to me by the Chief Judge of the Small Cause Court.

Mr. Maguire has referred to comparisons of fees. It is obviously impossible for me in discussing a general motion to go into the question of various figures and to work out what the comparative fees are. As I have already said, the whole Bill is one of detail.

Rai Bahadur Dr. Haridhan Dutt has referred to compromises. Obviously, that is a matter for the Select Committee to consider. If the Select Committee consider that the clause dealing with compromises should be modified, they will do so if they think it advisable. It is one of the details of the Bill which will be before the Select Committee, and they will certainly be entitled to recommend a modification of it or to strike it out.

Dr. Naresh Chandra Sen Gupta has given us a discourse or lecture on procedure, from which one might think that there is no Small Cause Court in Bengal, except the Presidency Small Cause Court. Surely, the citizens of Calcutta will admit that there is a Small Cause Court in Sealdah, not to speak of one at Alipore. There are also numerous Small Cause Courts in the *mufassal*, and the various fees and charges to which he has referred are paid in those Courts. The

procedure which we propose to change is peculiar to the one Small Cause Court serving that part of Calcutta which is within the jurisdiction of the Original Side of the High Court of Calcutta.

I think that one member casually referred to the fact that we were only likely to obtain a few thousand rupees by the proposed changes. I am not prepared to estimate what the financial result of the revision of the Act proposed in this Bill would be; but in the present state of the finances of Bengal, I think that if it does produce a few thousand rupees, it will be of considerable value.

As I have said, the Bill originated from the recommendations of the Retrenchment Committee, and I suggest that the best thing is to send the Bill to the Select Committee, where all these details can be examined and all the facts and figures carefully considered before the Bill emerges from the Select Committee.

Mr. PRESIDENT: There are two amendments with regard to the personnel of the Select Committee. I understand that the consent of the members proposed has not yet been received. If that is so, I have got to overrule these amendments.

Mr. ANANDA MOHAN PODDAR: Sir, I have got the consent of the members I have proposed for the Select Committee except that of Mr. Jatindra Nath Basu.

With your permission, Sir, I beg to move that, after the name of Maulvi Tamizuddin Khan, the following names be inserted, *viz.*—

Mr. R. Maiti, and

Babu Sarat Chandra Mittra.

The Hon'ble Sir WILLIAM PRENTICE: Sir, I cannot see what the gentleman from Midnapore named by the mover is going to add to our knowledge, and I do not know what these gentlemen represent, and what connection Babu Sarat Chandra Mittra has with this Bill.

Mr. ANANDA MOHAN PODDAR: Sir, Mr. Mittra is a local man and is also a litigant.

The Hon'ble Sir WILLIAM PRENTICE: Sir, anyhow I oppose this amendment.

The motion was put and lost.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th September, 1933, was then put and agreed to.

The motion of the Hon'ble Member-in-charge that the Bill be referred to a Select Committee thereupon failed.

The Bengal Places of Public Amusements Bill, 1933.

The Hon'ble Sir WILLIAM PRENTICE: Sir, I beg to introduce a Bill for the better control of certain places of public amusement.

The Secretary read the short title of the Bill.

The Hon'ble Sir WILLIAM PRENTICE: Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(*1*) Mr. S. M. Bose,

(*2*) Mr. A. Raheem, C.I.E.,

(*3*) Babu Profulla Kumar Guha,

(*4*) Dr. Amulya Ratan Ghose,

(*5*) Maulvi Abul Kasem,

(*6*) Rai Bahadur Satyendra Kumar Das,

(*7*) Mr. A. F. Rahman,

(*8*) Mr. W. L. Armstrong,

(*9*) Mr. E. T. McCluskie,

(*10*) Mr. B. R. Sen, and

(*11*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this Bill is one for which the Council is indirectly responsible —might almost say directly responsible—as it is the outcome of the wishes expressed on several occasions in this Council that steps should be taken to control carnivals and such other assemblies in which gambling is prevalent. At the outset I had better explain why I move for reference of the Bill to a Select Committee and not for circulation, but here again I leave it entirely to the House as to what they wish. The idea of having this Bill gone into now by a Select Committee is that it may be passed this Session in order to enable us to control the carnivals which will be held round about next Christmas.

As regards collecting opinions, I may say that the opinions of non-officials have been very frequently expressed in this Council on various occasions and non-official opinion is pretty unanimous that some legislation is required, though so far no opinion has been expressed on the details of this Bill. As regards official opinion, we have taken it. We sent out a circular letter to District Magistrates and Commissioners asking for their opinion. We have got reports from them all, and they emphatically support the measure. They have only made certain

suggestions as to details which, they thought, might be considered in the Select Committee. It is in view of these facts that we ask the Council to send the Bill to a Select Committee so that, if possible, it may be passed this Session. As regards the objects of the Bill, the first object is to ensure that local authorities, whether in Calcutta or in the *mufassal*, shall have power to issue licences to carnivals, rather to notified places of amusement, and that without such licence no such place can be opened or kept open. The Bill further provides for closing them down if they are opened without licence or if they are kept open in contravention of an order, and provides the usual penal clauses for offences resulting therefrom. Lastly, and I would draw the particular attention of the Council to this, it makes provision under clause 10 (*2*), proviso (*iii*), under which the Local Government can prohibit the playing of any game or class of games which, in the opinion of the Local Government, is not in the public interest. That is an attempt to get over the very difficult question as to what games are gambling and so illegal, and as to what games are games of skill and not of chance. We all know that in the Courts we have had different decisions on the same games, and that the biggest gamble is whether a Court will hold a game to be a game of skill or a game of chance. We all know that some games which have been held to be games of skill are games on which a lot of money is lost in those carnivals. We have tried to get round the difficulty by asking you to empower the Local Government to prohibit the playing of certain games, which in their opinion are not in the public interest. It is an experiment and it is for the Council to say whether they are willing to give Government this power. I do not think there is anything else in the Bill to which the attention of the Council requires to be drawn and I move the motion which I have read.

(At this stage the Council was adjourned for 15 minutes.)

(After adjournment.)

Mr. SHANTI SHEKHARESWAR RAY: Sir, I beg to move that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th November, 1933.

At the outset I want to congratulate the Hon'ble Member in charge of the Bill for taking up this important matter in response to a censure motion passed by this House. Indeed, it is very rarely that we find Government in such an accommodating mood. But it has taken the Government one year and a half to produce this Bill. I would ask them to take a lesson from their experience in connection with the Money-lenders Bill. Though they have taken so long to produce this Bill, if you will kindly read the Bill, you will find that there is practically nothing in it but a provision for punishing offenders. Sir, the Bill, if I may be permitted to say so, is conceived in an ordinance

mentality, in which we leave everything to Government. The Government by making rules are to define what is going to be a notified place of amusement. Apparently, during all these months Government have been unable to make up their mind in the matter. The Hon'ble Member has said that he has consulted his officers, and we are told in his Statement of Objects and Reasons that he has found a very simple method of tackling the problem. Indeed, it is a very simple method of tackling the problem when you have no definite idea of what the problem is. There is certainly a feeling in the country, and that has often found expression in this House, that gambling should be stopped at places of amusement. So far as that goes, Government certainly commands the support of every member of the House, but I think gambling is a punishable offence even now, and what is wanted is not a new law in the matter, but more intelligent administration of the department. If there is proper supervision, this evil can be easily stopped. Well, there is no suggestion in the speech of the Hon'ble Member about any such supervision, but to oblige the Council he has brought forward the Bill. Then in addition to gambling, it is the intention of the Hon'ble Member to take powers for prohibiting the playing of any game or class of games which, in the opinion of the Local Government, is not in the public interest. How delightfully vague this provision is? Are we to understand that the energies of the Local Government will be employed in finding out what games are in the public interest and what are not? I have grave doubts if it was the intention of the House when they passed that cut in the budget of 1932 to give such extensive powers to Government. The powers that Government seek will be a great encroachment on the liberties of the people. There is a great danger of abuse in placing such extensive undefined powers in the hands of the police. Though the Government take certain powers into their own hands, still for practical purposes they will have to depend, as they usually do, on the reports of the subordinate police officers. So what I suggest is that the Government should circulate a well-thought-out Bill or even this Bill and invite criticisms from the public as well as their own officers and see to what extent the public support them in the matter or how far any such measure can be worked in actual practice. Sir, we are always suspicious of the Police Department. We do not want that an additional instrument of harassment and an additional instrument to help corruption in the force should be placed in the hands of the Government. Stop gambling by any means; find out what particular games are detrimental to public interest, give definite instructions to your men to stop them: that may be helpful. Otherwise, to invest officers even of the rank of District Magistrate with such wide discretionary powers as to notify any public place of amusement for which a licence may be required will be a great hardship to the people concerned as well as to the visitors to places of public amusement.

The Hon'ble Sir WILLIAM PRENTICE: May I correct one statement of the hon'ble member? If you look at clause 3 you will find that it is the Local Government that notifies and not the District Magistrate.

Mr. SHANTI SHEKHARESWAR RAY: But discretion is given to the District Magistrate to decide whether a public place of amusement is to be treated as notified or not. Then I would invite attention to section 9—"the Local Government may empower any Deputy Commissioner of Police in Calcutta or elsewhere any Subdivisional Magistrate to exercise within the limits of his jurisdiction any of the powers of the——"

The Hon'ble Sir WILLIAM PRENTICE: Section 9 does not apply: but section 3 which is the relevant section does not mention the District Magistrate.

Mr. SHANTI SHEKHARESWAR RAY: No, Sir, I refer to section 6. You will find there that "if the Commissioner of Police or the District Magistrate, as the case may be, is satisfied——. In any case, why should powers of discretion be entrusted to the District Magistrate. I think the Hon'ble Member cannot challenge that Then, Sir, there is another thing. We have got that clause about indemnity. I think it is bad in principle to extend such indemnity to a measure of this nature.

With these few words, Sir, I commend my amendment to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: I rise to express my most cordial approval to the principles of the Bill and also my recognition with Sir William Prentice of the urgency of the measure and for that reason I must dissociate myself from the motion for the circulation of the Bill.

MUNINDRA DEB RAI MAHASAI: Sir, although I do not see eye to eye with the Hon'ble Sir William Prentice in the policy pursued by him in the administration of some of the departments in his charge, yet I cannot but congratulate him for introducing this Bill. He has after all yielded to public opinion at least in this matater. The demand for closing and of controlling these places of amusement which are no better than so many gambling dens has been incessant. But so long Government had turned a deaf ear to the demand. However, it is not too late to mend. The Bill will have a far-reaching effect in saving many families from ruin and desolation. Gambling is a very pernicious habit and these carnivals tempt people to fall an easy prey to this habit. The dazzling lights of carnivals attract unwary people like so

many insects and the Anglo-Indian or European dancing girls who are much in evidence in the carnivals started in the *mufassal* hasteu the ruin. It is high time for Government to intervene. I, therefore, sincerely welcome the Bill as a beneficient measure and again thank the Hon'ble Sir William Prentice for introducing it. My object is not to delay the passing of the Bill, but to give the public an opportunity of offering their suggestions which may be helpful to further improve the provisions of the Bill. Delay of a few months will matter little—hasty legislation leaves many defects behind it in most cases and, therefore, it is not desirable in the best interests of the country to pass it in hot haste.

Rev. B. A. NAG: I would like very cordially to support this Bill. I do not understand those friends who though accusing others of ordinance mentality have been possessed with Governmentphobia mentality. This Bill I am sure the Hon'ble Sir William Prentice has introduced as a reply to many criticisms made in this Council by ourselves against carnivals and things which are going on there, and it is strange that such a Bill should be opposed by anybody who has any sympathy with the feelings of the public, because not only in this Council but even outside it the feeling was that these carnivals had become a disgrace to the country. I thank Sir William Prentice for introducing this Bill. As to the urgency of it, I would say that it is very urgent for we have been pressing upon Government to deal with this evil as soon as possible. A delay of two months might not appear to be a very great evil, but when the facts are known, I think everyone will be convinced that there is a great evil. This Bill if passed in this Session will control the carnivals during the winter—I mean the Christmas season—and if the Rai Mahasai's motion is passed, it will give another chance to these to reap a very rich harvest at the cost of the people, and therefore I hope that the members will support the motion moved by Sir William Prentice.

Mr. P. BANERJI: In rising to speak on behalf of the motion moved by Mr. Shanti Shekhareswar Ray, I must first tell Mr. Nag that nobody has opposed this Bill. Circulation is the step taken usually; but we have seen that when a motion is moved by a member of Government, they think that no circulation is necessary. Now the Rev. Nag has said that some people are possessed of different mentality. Well, I can tell him we have our mentality—we belong to the opposition, and he knows it very well. We oppose when we think that opposition is necessary—not for the sake of opposition. It is true that Sir William Prentice has brought forward the Bill just to satisfy the desire of the House. But at the same time, it must be pointed out that he has far exceeded the desire of the members of this House. If you will go into the details of the Bill you will find that he is going to restrict many things with the object of restricting gambling. For instance, you will

find that even if amusements take place in your house, whether for some religious purpose or for any other purpose, and where no fee is levied on the public, such amusements may also be restricted. Now that being the case, we have no desire to waste the time of the House and as we know, circumstanced as we are to-day in this House, that whenever any motion comes from this side of the House it is opposed, I would request Mr. Shanti Shekhareswar Ray to withdraw his motion. At the same time, I must request the members to direct the Select Committee that those things which are unnecessary may be left out.

Maulvi ABUL KASEM: There has been a chorus of support to the motion of Sir William Prentice, and I also join in it with this advice or warning if I may call it that the carnivals and gambling of late have grown into very great proportion and have become a public scandal. In Howrah and in the heart of Calcutta, in Chittaranjan Avenue, the carnivals which mean gambling existed for a long time. The Rev. Nag has said that they come in the winter. Formerly they used to come in the winter, but now the practice has been to have electric lights and gambling. I want to say that gambling is an offence and is carried on in Howrah with the knowledge, or I should say connivance, of the police! This law is certainly necessary, because I remember some years back Government prosecuted a man for gambling, but he got out from the High Court on the plea that it was a game of skill. I think greater power should be given to Government and preventive measures adopted, but at the same time I hope that Government will take particular care that it does not become another instrument in the hands of the police to oppress the public.

The Hon'ble Sir WILLIAM PRENTICE: Sir, as I have explained before, it is entirely for this House to decide whether the Bill is to be circulated or not. If the Council wants circulation, it can have it. I have explained why we want the Bill to go to the Select Committee so that it may be in operation before next Christmas. If the Council wants to delay the consideration of the Bill by inviting non-official opinion, Government will not place any obstacle in the way. As I have already told you, official opinion on the Bill has already been received.

Mr. Shanti Shekhareswar Ray, as usual, distrusts the police. But if you want control over something, you must have somebody to exercise it, and the only people to do so are the district authorities, unless perhaps Mr. Shanti Shekhareswar Ray will arrange for honorary vigilance parties to go round and do it. Otherwise, if you do not want to trust the executive staff, things will go on as at present, because the legal position is that no one except the Corporation has any power to issue licences for carnivals, and no one including the Calcutta Corporation has the power to close a carnival to which a licence has

been given. The Bill provides the required authority under which the local authorities whether in Calcutta or in the *mufasal* will have power to license as well as to close a notified place of public amusement.

As regards the provision in respect of certain classes of games, I drew the attention of the Council specifically to this proviso as an attempt to get round the difficulty referred to by Maulvi Abul Kasem when he referred to the distinction between a game of skill and game of chance. My impression is that the other day I saw a decision of the High Court regarding a certain game which went entirely opposite to a previous decision regarding the same game. But I have not verified this. In any case whether my impression is correct or not, we all know that different Courts have found it difficult to decide about various games, and this is an attempt by executive action to get round this difficulty of distinguishing between a game of skill and a game of chance.

Mr. Shanti Shekhareswar Ray complained that we took a long time to prepare this Bill. The main delay in preparing this Bill was the result of trying to frame a definition of the games that should be banned as gambling. Finally, we gave it up and now we say that if you give us the authority, we will notify certain games as not being in the public interest and stop them. It is for the Council to decide whteher they will agree to give us this authority, or leave such games to be dealt with under the Gambling Act.

Mr. Shanti Shekhareswar Ray's motion was then, by leave of the House, withdrawn.

The Hon'ble Sir WILLIAM PRENTICE: As regards the personnel of the Committee, I think there is a misunderstanding. I have been informed that the members who have given notices of amendments are prepared to withdraw their motions on the condition that I agree, with the approval of the Council, to add six more names to the Select Committee. I have the names put before me by them. They are—

Rai Bahadur Keshab Chandra Banerji,

Rai Sahib Sarat Chandra Bal,

Babu Khetter Mohan Ray,

Mr. A. F. M. Abdur-Rahman,

Maulvi Hassan Ali, and

Babu Hem Chandra Roy Choudhuri.

If it is the wish of the Council to increase the size of the Committee, I have no objection to these gentlemen being added.

Mr. PRESIDENT: Before the House is given an opportunity to express its opinions with regard to the new names, my permission to

move an amendment to add those names to your original list is necessary; but you cannot move such an amendment yourself, let someone else move it for you.

Mr. B. R. SEN: With your permission, Sir, I beg to move that after the name of Mr. B. R. Sen, the following names be inserted. *viz.*—

Rai Bahadur Keshab Chandra Banerji,

Rai Sahib Sarat Chandra Bal,

Babu Khetter Mohan Ray,

Mr. A. F. M. Abdur-Rahman,

Maulvi Hassan Ali, and

Babu Hem Chandra Roy Choudhuri.

The motion was put and agreed to.

The original motion was then put in the following amended form and agreed to:—"That the said Bill be referred to a Select Committee consisting of—

(*1*) Mr. S. M. Bose,

(*2*) Mr. A. Raheem, C.I.E.,

(*3*) Babu Profulla Kumar Guha,

(*4*) Dr. Amulya Ratan Ghose,

(*5*) Maulvi Abul Kasem,

(*6*) Rai Bahadur Satyendra Kumar Das,

(*7*) Mr. A. F. Rahman,

(*8*) Mr. W. L. Armstrong,

(*9*) Mr. E. T. McCluskie,

(*10*) Mr. B. R. Sen,

(*11*) Rai Bahadur Keshab Chandra Banerji,

(*12*) Rai Sahib Sarat Chandra Bal,

(*13*) Babu Khetter Mohan Ray,

(*14*) Mr. A. F. M. Abdur-Rahman,

(*15*) Maulvi Hassan Ali,

(*16*) Babu Hem Chandra Roy Choudhuri, and

(*17*) the Hon'ble Sir William Prentice,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

NON-OFFICIAL MEMBERS' BUSINESS

RESOLUTIONS

(on matters of general public interest).

[The debate on the resolution of Munindra Deb Rai Mahasai which was held over from the 8th instant was then resumed. The resolution was as follows:—"This Council recommends to the Government that in filling appointments under the Government of Bengal none but Bengalees or men domiciled in Bengal be in future recruited except in the case where specialised knowledge is necessary and no suitable candidate either a Bengalee or one domiciled in Bengal is forthcoming."]

Babu KHETTER MOHAN RAY: Mr. President, Sir, I wholeheartedly support the resolution moved by my friend, Munindra Deb Rai Mahasai. Sir, when in other provinces the cry is raised that Behar is for Beharies, Madras for Madrasies, the Punjab for the Punjabees, etc., the people of Bengal in all fairness can demand that the Bengal Government in filling up appointments should give preference to the children of the soil. In Bengal, we find that more than one million and several lakhs of non-Bengalee Indians are living here and are pursuing their various avocations, including Government services. In other provinces, Bengalees, who have been living from generation to generation and are domiciled there, experience considerable difficulties in securing Government appointments and in getting their children admitted into the Government colleges, not to speak of those Bengalees who have no domicile in those provinces. While other provinces are zealously guarding against any foreigners being appointed to their Government and other posts, Bengal is left open to all. In Bengal, where the problem of unemployment is very keen, we find non-Bengalees are appointed to Government posts even when there are fit Bengalee candidates available for such posts. Unemployment amongst the *bhadralok* youths is exercising the minds of our people. Thousands of young men are every year turned out of our schools and colleges and hurled into the world with no prospects of being provided with any employment. Amongst these youths there are men who will not hesitate to accept any job, however low, in the Police and other departments of Government in order to earn an honest living. Matriculates, passed I.As. and even graduates are known to have been seeking employment as police constables and in other posts which involve some amount of physical and manual labour. Nowadays it cannot be said that Bengalee youths are averse to manual labour. Their physical fitness has considerably improved, and they have given ample proof of their ability to discharge their duties involving risks and danger to life.

As regards their mental equipment, it can be claimed that they are not in any way inferior to the similar classes of people in other provinces. In the face of the present state of things, it is regrettable that people of other provinces should be employed in our Government posts, while unemployment amongst our youths is as keen as ever.

In this connection, it will not be out of place to mention that some years ago the Principalship of the Serampore Government Weaving College and some other posts in the Engineering Department had gone to the persons of other provinces, though at the time of filling up of these appointments more qualified Bengalee youths were available. In posts requiring special skill or specialised knowledge, if there is a dearth of such candidates amongst the Bengalees—a contingency which nowadays scarcely arises—Government cannot be blamed if they recruit for these posts persons from other provinces who have got requisite skill and knowledge But when there is abundant supply of candidates in this province fit for employment in the Government posts, Government should take special care that appointments should not be filled up with foreigners to the exclusion of the people of the soil. We have no objection to preference being given to candidates of a particular class or community of Bengal in some special cases, owing to their backwardness, provided they are capable and efficient. But we strongly object to such appointment being filled up with men of similar community from other provinces, simply because candidates of a particular class or community in this province with requisite knowledge are not available. What do we like to impress on our Government is that in filling appointments under the Government of Bengal none but the people of this province or men domiciled in Bengal should in the future be recruited except in those cases in which candidates with requisite knowledge and fitness are not available.

Government have been trying to suppress and stamp out the terrorist movement from Bengal, and it is admitted by the Government that this pernicious movement finds recruits from amongst the unemployed youths of Bengal. It is a matter of common knowledge that one of the principal causes which gave rise to this movement which is doing immense mischief to our society is the unemployment amongst the *bhadralok* youths. It is, therefore, all the more necessary and incumbent on Government to fill up their appointments by the young men of this province whenever and wherever it is possible for them to do so.

As regards the amendment, I can only say that it is out of place here, because the mover has clearly pointed out that it was not his intention to exclude any class of people from the purview of his resolution. What he wants by moving this resolution is that non-Bengalee Indians should not be employed in Government posts when there are Bengalee candidates qualified for the posts available. The question of

apportionment of Government appointments according to population does not at all arise over the decision of this particular resolution.

Mr. Amulyadhan Ray, who tabled several other resolutions on the lines of this amendment, may do so again by a separate motion, if he is so advised. I cannot agree with Rai Bahadur Dr. Haridhan Dutt when he says that this resolution, if accepted, will interfere with the growth of the spirit of nationalism. I do not see how it will injure the cause of nationalism in India. It is only fair and just that the people of a province has every right to claim appointments made by the Local Government to the exclusion of others, provided there are qualified candidates for them. I need not dilate on this point, as the fallacies of the Rai Bahadur's argument are too patent to require any elucidation.

With these words, Sir, I support the resolution.

Mr. P. N. GUHA: Mr. President, Sir, my friend Mr. P. Banerji will probably be disappointed to find that I am according a whole-hearted support to the resolution of Rai Mahasai, for the other day he accused me of the offence of opposing all resolutions emanating from the other side. I have every sympathy with the resolution and I would support it even if it was conceived from the narrowest possible provincial point of view as was suggested by Khan Bahadur Azizul Haque the other day.

Sir, I find that my friend Rai Bahadur Dr. Dutt is still under the delusion that the Bengalis are even now capable of making headways in other Provinces of India. I am sorry that Dr. Dutt is still living in the prehistoric days. In fact the days when the Bengalis could do anything in other parts of India have gone by long ago. The Governments of other Provinces have made definite rules under which no appointment can go to one who is neither a natural nor a domiciled inhabitant of the Province. We find advertisements off and on inserted by the Government of Bihar and Orissa inviting applications for posts and in each and every one of such advertisements it is distinctly stated that none but a natural or domiciled inhabitant of that province need apply. This rule is being followed in every other Province of India and I believe that our Government has of late begun to follow suit. This rule as a matter of course is not applicable with regard to the appointments in the all-India Services such as I.C.S., I.M.S., I.P.S., etc., but it is fully applicable with regard to the appointments in the Provincial services and so far as I know there is not a single non-Bengali in the Bengal Provincial Judicial and Executive Services. Further, the subordinate services in all the departments of the Government of Bengal are fully manned by the Bengalis and Bengalis alone.

Sir, a special point has been made with regard to the appointments in the lower rank of the Police Service in Bengal—I mean the

constabulary. It is composed almost fully of the non-Bengalis and the reason is not far to seek. You are aware, Sir, that even to-day the *paiks*, *darwans*, *sirkars* and other menials of the Bengal *zemindars* are up-country men. The reason is that these men are more hardy, painstaking and fit to do outdoor work entailing hardships and inconveniences. It is exactly for this reason that the Government are still forced to recruit constables or to be precise *paharawallas* from Provinces outside Bengal. My information, however, is that the Bengalis are being recruited as constables in the Bengal Police in larger number. The question of the Calcutta Police stands on a quite different footing. Here the constables have to work as *paharawallas* and this is a very hard task. I have my doubts if many Bengalis can even now be found to undertake the task of standing in the streets of Calcutta under the blazing sun for a pittance of Rs. 20 a month. Except this, I do not think that the Government are violating the principle that Bengal is for the Bengalis. I can assure my friend Rai Bahadur Dr. Haridhan Dutt that this principle does not in any way clash with the principle and sentiment of Indian nationalism. For obvious reasons I am not prepared to enter into details but I would request persons of his mentality to realise the treatment that has of late been accorded to us by the people of other Provinces not only with regard to the services but in the larger field of politics. That however is another matter. In conclusion I think I can safely assume that the principle underlying the resolution of Rai Mahasai has been accepted by the Government of Bengal. I would however request Sir William Prentice to tell us if there is any obstacle anywhere to give full effect to this principle. We press for the acceptance of the principle *in toto* and I hope the Hon'ble Member will do so.

The Hon'ble Sir WILLIAM PRENTICE: Sir, I have always felt some doubt whether speeches made in this Council were of any use in the way of conveying information to members, and I am afraid this discussion has rather strengthened that doubt, because when I was replying to a similar resolution by Munindra Deb Rai Mahasai in July, 1931, I gave full details of the recruitment rules of the various services, and read out certain rules from which it would be perfectly clear that the principle of this resolution is embodied in our rules and acted upon. I pointed out that in our provincial service rules it is laid down that evidence as regards domicile should be carefully scrutinised, and that in the rules for special posts the same phrase occurs. All these rules were read out two years ago, and though the Rai Mahasai has said that he has modified his resolution, there is really no distinction, so far as the rules are concerned.

As far as the resolution is concerned, as Mr. Guha has said, there is no difficulty in accepting it if the word "or" is substituted for "and"

in the last part of it: that part would run thus "except in the case where specialised knowledge is necessary or no suitable candidate either a Bengalee or one domiciled in Bengal is forthcoming."

As Mr. Guha has said, and so far as I know, in the ordinary provincial services in Bengal, practically, the whole of the staff employed is composed of Bengalees or those domiciled in Bengal, and the recruitment rules provide that the evidence regarding domicile shall be carefully scrutinised at the time of recruitment. More than that I do not see that we can do.

Mr. Shanti Shekhareswar Ray made the astounding statement that 95 *per cent.*—I think I got it rightly—of the police force are not composed of people domiciled in Bengal or of Bengalees. I admit that a certain proportion of the police force is not domiciled in Bengal, but I would just appeal to the knowledge of the members of this Council to think of the Inspectors, Sub-Inspectors, and Assistant Sub-Inspectors, and say what proportion of them are Bengalees or domiciled in Bengal.

Now, let us take the case of the *mufassal* police. I admit that a considerable number of them are non-Bengalees, but the proportion of Bengalees is increasing. If you read the Annual Administration Report on the Bengal Police, you will find that every year—I fear I have not got the figures here—there is difficulty in some of the districts in getting local recruits, and in those districts, we have got to recruit from outside. But as regards 95 *per cent.* of the police being non-Bengalees, I personally cannot imagine where that figure came from, and I do not think that members of this Council will corroborate that statement.

I think it was Mr. P. Banerji who referred to the question of jail warders——

Mr. P. BANERJI: I have not spoken on this resolution.

The Hon'ble Sir WILLIAM PRENTICE: Then it was Mr. Shanti Shekhareswar Ray, who regretted that he had not the same experience as his friend, Maulvi Jalaluddin Hashemy, had. There you come up against what is embodied in the last part of the resolution. If you cannot get people, who are Bengalees or domiciled in Bengal, to become warders, what will you do? As you cannot do without warders, you have to appoint people from outside the province. The same reason applies to the Calcutta Police. And I imagine that behind the resolution and some of the speeches there is a good deal of feeling due to a report that appeared in the papers that 70 constables had recently been recruited to the Calcutta Police, of which not a single one was a Bengalee. Well, I never accept what the papers say without verifying

it. As I expected, I found that the facts were entirely different. As a matter of fact, only 30 appointments were made, for which there were 12 Bengalee applicants, 7 of whom were accepted. It is not a question of rejecting them because they were Bengalees. There are certain physical standards laid down for recruits to the Calcutta Police, and if a Bengalee candidate comes up with a height measurement of 5 feet and 2 inches and a chest measurement of 28 inches, he does not satisfy the physical requirements laid down for the Calcutta Police, which, as far as I recollect, are 5 feet and 4 inches for height and 30 inches round the chest.

Mr. P. BANERJI: Why not change the rules?

The Hon'ble Sir WILLIAM PRENTICE: What are you going to gain by that? There is an English song which says that a policeman's life is not a happy one. It not only requires considerable physical strength, but also a good deal of stamina. You will be convinced of the truth of this statement—as far as the training is concerned—if you compare the figures each year for the Calcutta Police, of the number of recruits and of the number of people who pass out of the training school. If you look up last year's figures, you will find I think that the number of Bengalee recruits who succeeded in passing through the school was 5. If you reduce the standard of physical fitness and recruit unfit people, it means that you have got to pay more for your police force, because you get a bigger percentage of sick, with the result that you will have to pay more on account of leave allowances and pensionary charges. So it does not pay to recruit unfit men for the police.

To sum up, this resolution of the Rai Mahasai with the substitution of the word "or" for the word "and" practically expresses the policy which has been followed by the Government of Bengal and which is embodied in the rules, and I have no objection whatever to accept it.

Mr. PRESIDENT: But what about the amendment of Babu Amulyadhan Ray?

The Hon'ble Sir WILLIAM PRENTICE: That is a proposal that recruitment to all services shall be in accordance with the population proportions. I have had to deal with a similar proposal so many times and to explain that under the present recruitment rules for most of our services we have certain minimum figures, to which we are endeavouring to work up, or which are actually observed in the annual recruitment. That is a very different thing from saying that in every recruitment there is to be a certain percentage of class A, B, or C or community A, B, or C. We may not get the required percentage from

A, B, or C. It may be that the number available from A is less than the percentage allotted to it, but if we are to stick to percentages, the other communities are handicapped. Here, again, so far as the amendment is concerned, we work on the principle behind it. We do try, and in fact we are trying, more and more, to get the various communities represented in the various services, though we have not agreed to recruit representatives of the various communities in proportion to their population. My friend, Mr. Mukunda Behary Mullick, will probably get up and say that I am doing nothing as regards the depressed classes for appointment as munsifs. Rai Sahib Sarat Chandra Bal was accusing me the other day of not having recruited any *Namasudra* clerks in some districts. And my Muhammadan friends will probably point out that in the various provincial services there are not 45 *per cent.* Muhammadans. I admit that we have not got the exact population percentage in our services, but I do not admit that recruitment on the basis of population percentage is right. I am perfectly willing again to affirm that the policy of Government is that we are endeavouring to spread recruitment to all the services over the various communities, subject to conditions of fitness and qualification. Further than that I cannot go and I must oppose the amendment. I am, however, prepared to accept the resolution of the Rai Mahasai if he will replace the word "and" in the fifth line by the word "or."

Mr. PRESIDENT: I shall allow the Rai Mahasai to make that change if he so wishes.

MUNINDRA DEB RAI MAHASAI: I accept it

Mr. P. N. GUHA: Sir, the Hon'ble Member has just now said that this particular question was dealt with two years ago and at that time he gave a detailed reply to Rai Mahasai. Our memory is perhaps short and so I would like to know why this question has been allowed to come up again if it was dealt with before. Sir, I do not know the method of working either of the Government or of the Council departments but is there no rule to prevent the reappearance of a resolution that has already been discussed?

Mr. PRESIDENT: No.

Khan Bahadur Nawab MUSHARRUF HOSSAIN: Is it not a fact that a large number of recruits were obtained for labour in Mesopotamia from Comilla and many other districts to work in Mesopotamia where there is intense heat?

The Hon'ble Sir WILLIAM PRENTICE: I am sorry I do not know anything about Mesopotamia.

Mr. PRESIDENT: Order, order, I am afraid I cannot allow the Nawab Sahib to put questions like this.

Babu Amulyadhan Ray's amendment was put and a division taken with the following result:—

AYES.

Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mahammed.
Chaudhuri, Khan Bahadur Maulvi Alimazzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Mahammad.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mahanda Behary.
Qussem, Maulvi Abul.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdar-
Raut, Babu Hoseni.
Sarkar, Rai Sahib Rohati Mohan.
Shah, Maulvi Abdul Hamid.

NOES.

Banerji, Rai Bahadur Keshab Chandra.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Dutt, Rai Bahadur Dr. Haridhan.
Edgley, Mr. N. G. A.
Faroqui, the Hon'ble Nawab K. S. M., Khan Bahadur.
Ferguson, Mr. R. H.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. R.
Hogg, Mr. S. P.
Hooper, Mr. S. S.
Maiti, Mr. R.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Pravash Chander.
Mitter, Mr. S. C.
Mittra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. W. H.
Nicholl, Mr. C. K.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Prentice, the Hon'ble Sir William.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, the Hon'ble Sir Bijay Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Roy, Mr. S. N.
Roy Choudhuri, Babu Ram Chandra.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Singh, Srijut Taj Bahadur.
Townend, Mr. H. P. V.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 23 and Noes 37, the motion was lost.

Babu AMULYADHAN RAY: On a point of order, Sir. At the time of voting, half of my body was within the lobby and half within the Chamber, so that I could not record my vote. I want your ruling on the point, Sir (laughter).

Mr. PRESIDENT: As the mover of the resolution, you should have led your supporters into the Ayes lobby and not have lagged behind in the Chamber (renewed laughter).

The resolution of Rai Munindra Deb Rai Mahasai was then put in the following amended form and agreed to:—

"This Council recommends to the Government that in filling appointments under the Government of Bengal none but Bengalees or men domiciled in Bengal be in future recruited except in the case where specialised knowledge be necessary and no suitable candidate either a Bengalee or one domiciled in Bengal is forthcoming."

Resolution regarding Flood in Rangpur and other districts.

Kazi EMDADUL HOQUE: I beg to move that this Council recommends to the Government that a committee of experts be constituted without delay to investigate into the causes which are responsible for the perennial abnormal flood in Rangpur and other districts which inundating vast regions on either bank of the Brahmaputra, the Dharla and the Teesta rivers destroy the crops of those regions; and also to devise means to nullify the effect of such flood in future.

Sir, by bringing this motion before the House I want to represent the untold suffering of the people of the riparian portion of the district of Rangpur and other outlying districts through which the Brahmaputra, Dharla and Teesta rivers pass. The grievances of the people are not of a temporary nature. They have taken a permanent hold in Rangpur and other districts through which these rivers pass. Year after year the people of the riparian portion of the districts have been experiencing the effect of floods of unusual character. It is not a mere accident of the flood coming and going without leaving any permanent effect, but it is coming year after year during the last few years, and it has become a source of great concern to the unfortunate people of these districts. It has become a perennial source of trouble to the people there and their impression is that it will go on unmitigated in future and there is no knowing when their sufferings will be at an end. They cannot find out themselves what this is due to—whether this is due to the upheaval of the levels of the river-beds or to some other causes. The people there, Sir, want to know for certain whether they will see better days and whether it will be at all possible for them to live there in future or whether they will have to bid adieu to their hearths and homes and go to the jungles of Assam. Now, this is a matter on which no one can vouchsafe an opinion except the experts. My proposal in this resolution, therefore, is that a committee of experts be constituted without delay to investigate into the causes which are responsible for the perennial abnormal flood in Rangpur and other districts which inundating vast regions on either bank of the Brahmaputra, the Dharla and the Teesta rivers destroy the crops of those regions; and also to devise means to nullify the effect of such flood in future. Sir, the sufferings are really indescribable. The sufferings

of the people caused by the flood during the last three consecutive years can better be imagined than described. One is filled with horror and consternation at the sight which these rivers assume during the floods. The rivers become very turbulent and nothing is visible from one bank to the other—only a vast sheet of water: one cannot go from one bank to the other without being very nervous. During the flood water reaches the top of the houses; just imagine the plight of the inmates of these houses. Anyhow, they manage to live for some time on the roofs, but imagine for a moment their plight. Of course, the authorities—the Collector and other charitable associations—try their best to cope with the situation and give them relief, but they are very meagre considering the amount of damage done by the floods. The people have to remain on their roofs and sometimes on trees with their children in exposure and cannot get out till the flood subsides a little when they with great difficulty obtain small boats and go to the markets for food. But this they cannot do when the fury of the flood is great. Of course, as I have said, they get some relief from the State as well as other charitably disposed persons, but that is only a drop in the ocean. For the first few days they cannot get into touch with even the people on the other side of the river, so the Subdivisional Magistrate or the Collector cannot be informed of the actual condition till after a few days when of course they proceed to the place of flood and do their best to help the flood-striken people with provision and other things. But then, as I have said, the help which comes from Government and other philanthropic bodies cannot do justice to the vast number of people affected and the gift naturally proves to be very small in comparison with the need of the people.

Sir, the suffering of the people sometimes was so acute during the last floods that many people had to sell out their gold and silver ornaments and household utensils at any price they got—sometimes they sold silver at annas 4 *per tola* and gold at Rs. 8 *per tola*; and in this way they had to sell out everything valuable at an abnormally low price in order to get some food and cloth. But even so, they found it difficult to keep their body and soul together; some of them even went so far as to offer to sell their children and at one place I was offered for sale two children of a person having three. He said that if I took two of his children and paid him money, he would be able to maintain his remaining one child, but if he kept the three, all of them would be starved to death! It is not for the mere fun of the thing that they were selling their children, but the flood compelled them to do so. Of course, no one offered to sell his wife, but they did not hesitate to offer their children for sale.

On one occasion when I was travelling in my boat to visit a few affected areas, I found a man coming towards the place where my boat was anchored. He came crawling all the way towards my boat and begged

of me for money. He said he could not stand, that he had not had any food for days, that his children were left prostrate in the yard and that he wanted some rice to feed them. I had to give all I had in my boat, but that was very little having regard to their needs. Again, if you had gone to the paddy-field during the flood, you would have seen nothing but a vast sheet of water; no corn was visible—everything gone, only the stalks remained, and no crops could be gathered from the field. So the people in the affected part had nothing to fall back upon. As everyone was in need there, and could not keep people in service, no services were available. Besides, they could not go anywhere as that required the help of a boat, and they could not provide themselves with boats.

Now, for all these reasons the people want to know whether it is possible for them to live in this land at all, whether they would ever see better days and whether a remedy can be found to get rid of this scourge. The cause of these floods should be inquired into—whether they are due to the river-beds being raised, so that the water rises up to the roofs of the houses on their banks every year or whether they are due to some other causes. But if there is no remedy, Government should inform the people beforehand that it is not a place for human habitation and that they should find some other place of abode. These, Sir, are the reasons which prompted me to bring this motion before the House. Some remedy should be found either by raising the embankments or by some other means, to prevent the perennial influx of floods. But this cannot be done, as I have said, unless some experts are consulted and their advice taken. Some say it is due to the upheaval of the river-beds as a result of the great earthquake; so some experts should be consulted to see if any remedy could be found. If any remedy is found, Government should lose no time in taking action. Even if there be no remedy and if it is not within the powers of Government to save these persons from ruin and destruction, then it is better for Government to tell them outright to go elsewhere. That is fair. This is the object with which I have brought this resolution, and with the few words that I have spoken I commend my motion for the acceptance of the House.

Babu KHETTER MOHAN RAY: Mr. President, Sir, I heartily support the resolution. The abnormal and sometimes untimely floods in the Brahmaputra not only cause heavy damages to the crops in North Bengal, they also destroy the crops of the tracts lying on the banks of rivers in the districts of Eastern Bengal, such as Dacca, Mymensingh and Tippera. Vast volume of flood water in the river Brahmaputra is poured into the rivers Padma, Dhaleswari, Meghna and other rivers, causing abnormal and sometimes untimely flood in them, which destroys the crops of the villages lying on their banks and in the vicinity of these rivers. Sir, it is well known that the villages

and fields in Eastern Bengal are subject to annual inundation when the rivers of the country rise in consequence of the rains during the monsoon. Formerly, the annual inundation used to visit these villages from July and lasted till the middle of October when the flood water receded, leaving the fields dry and free for cultivation of the *rabi* crops. But for the last 15 years the villages on the banks of these rivers are visited by untimely and abnormal floods sometime in the latter part of April, very often in May and June, and last till November when the cultivators have hardly any time left to them to cultivate their fields with *rabi* crops. These untimely floods cause immense mischief to the inhabitants of the riparian and neighbouring villages, destroying their crops which are standing in their fields. This is a phenomenon which was rarely witnessed some 15 years before. But these untimely and abnormal floods have become an annual visitation which is causing damage to the crops of those villages. Scarcely a year passes when there is not an abnormal flood. Nowadays, the annual inundation of our fields begins much earlier and subsides much later than usual. People are accustomed to cultivating crops in their fields which grew luxuriantly when there was late inundation. But they are at a loss to fight out such abnormal and devastating floods with which they are visited almost every year. What are the causes which give rise to such untimely and abnormal floods? Why does the annual inundation of lands last about half the time of a year? What are the remedies for preventing or counteracting the effects of these floods? Whether it is humanly possible to put an end to such a flood? If not, whether there are means to counteract the consequences of untimely floods? These are the questions which are agitating the minds of the cultivators. Cultivators of this country are poor and ignorant and they have become poorer by the world-wide economic depression. They have scarcely any means to ascertain the cause and to devise any remedial measures. It is for the Government to take up and tackle these problems and devise means for preventing these floods or counteracting the effects of such devastating floods. I hope our Government with vast resources at their disposal will not hesitate to try to solve these problems and take some measures to give relief to the people affected by the abnormal floods.

Mr. P. BANERJI: In rising to support the motion just moved by Kazi Emdadul Hoque, I must say that it is a most reasonable proposal. From time immemorial the eastern portion of Bengal used to be flooded by the Ganges. We can say that no expert opinion is necessary in this connection. I may tell the Hon'ble Member-in-charge that this can be done by a layman's opinion. What is necessary is that the rivers in the Presidency Division which are silted up should be cleaned and the silt taken out, and the water-hyacinth that has stopped the flow of the river should be cleared. If this is done, then the flow of the

rivers will at once increase. It is due to the stagnation of the rivers that the flow is hampered. It has been suggested that the beds of the rivers are raised by earthquakes. We know in our lives that there has been no such earthquake that has raised the beds of the rivers in Bengal. It is simply due to silting up of rivers and water-hyacinth, but no action has been taken by the Irrigation Department, although, as has been pointed out on many occasions on the floor of this House, money has been wasted by the Hon'ble Member-in-charge on projects that could not be worked out. We all know that the Madaripur Beel Route and other routes could not be properly worked, but still much money was wasted on those projects. Khan Bahadur Azizul Haque has oftentimes brought this before the House, but in spite of all these the Hon'ble Member never moved in the matter. The reason for his not taking any action is probably that all his time is taken up in the administration of the Forest Department of which he is also in charge. The result has been that this department has been neglected. As an example of my contention, I may tell the House that the way in which a question was replied on the very first day of this Session betrayed his ignorance of the working of the department. If the Hon'ble Member will accompany me, I shall show him that this year these particular lands are completely under water and no cultivation is possible. The mover of the resolution has said that it is all due to flood, but I submit that it is due to stagnation that the people of these places are under hardships and difficulties. I anticipate the Hon'ble Member will at once come forward and say here is a great scheme that I am placing before the House in a few days' time, *viz.*, the Waterways Trust, and you members should be satisfied, and every thing will be all right. I know there is money in this department, but our grievance is that that money has not been properly utilised——

Mr. PRESIDENT: Order, order. I cannot allow you to jump from one thing to another. This is a resolution which deals with a particular matter in a particular district and you should confine yourself within its limits. I cannot allow you to labour points which do not directly arise out of the question before the House, nor can I allow you to discuss any general scheme.

Mr. P. BANERJI: I was just pointing out why these people are in trouble and in doing so I was suggesting that if the rivers in the lower portion of Bengal are not properly cleaned the continuous flow of water in them is bound to be hampered. With these words I support wholeheartedly the resolution before the House.

Maulvi SYED MAJID BAKSH: Sir, having had some experience of flood in North Bengal, I think I should congratulate my friend Kazi Emdadul Hoque for having brought this motion timely before the

House. I may remind you that there was a great flood in North Bengal about the year 1922-23 and many investigations were made, notably by Dr. Bentley. I myself had been to these localities and had seen personally the effects of the flood and had also formed my humble opinion of it. I may say that I found that my opinion coincided with that of Dr. Bentley. If you look at the map of North Bengal, you will find that there are railways on high embankments in four directions meeting one another. First you have the railway to Siliguri, next you will have the railway from Santahar to Bogra, that is towards south, then you will have another from Parbatipur to Kaunia. These have formed a quadrangle of high embankments. When rain falls on these parts and the flood water enters the rivers, there is no outlet, and of course you will find that the northern portion is at a higher level than the southern portion, and consequently there is obstruction. These embankments being filled with water and without having sufficient exit, all waterways swell in depth until they submerge the whole country about and cause indescribable misery to the inhabitants of the locality. I do not know whether it is known to you that the people of these parts are in the habit of building huts with mud walls. In all other parts you will find that there are either bamboo or wooden structures to support the thatch, but in these parts you will find that the people are too poor to have wooden or bamboo structures. Therefore, Sir, in this part of the country the flood causes the largest amount of misery to the poor inhabitants than in any other part of the country. Perhaps, the only way to deal with floods is to get an expert committee to inquire into the matter, but I do not know what an expert committee will be able to do. The only way to deal with floods is to have a sufficient number of waterways to carry all the flood water down from the upper regions to the lower, and until that is done the problem cannot be tackled. My friend the mover has described the havoc caused by the floods in very modest language. From my experience I can say that the miseries of the people of this part of the country cannot be properly described. Unless and until this problem can be satisfactorily solved, the inhabitants might as well be asked to leave their hearth and homes. Year after year the miseries of the people are untold; I have sometimes found people floating on plantain stumps and on thatches, and seeing their pitiable condition some benevolent people gave them shelter. The only way, as I have already said, is to investigate the question of opening out a sufficient number of waterways towards the southern as well as the western portion to carry the flood water down, and unless this is done whenever there is excessive rainfall the same havoc will be caused. Therefore, with all my heart I support the motion of my friend, the Kazi Sahib.

Rai Sahib PANCHANAN BARMA: Sir, I beg to support the motion of Kazi Emdadul Hoque. Everyone coming from that side

will bear with me that floods frequently occur in the tract alluded to by Maulvi Sahib, viz., that portion of Rangpur district which lies on the south-east of Kurigram and east of Gaibandha.

It is true that the earthquake of the year 1304 B.S., was very great but we must remember that the earthquake which occurred some three or four years back, though of smaller intensity than that, yet was of great intensity. This earthquake threw up the beds of the rivers; and the upheavals silted up the river beds to a great extent, with the result that they are obstructing the river courses.

As regards the part which the railways play in these floods, it is my considered opinion that the railway system in that part of the country has nothing to do with these floods.

Maulvi SYED MAJID BAKSH: That is not the opinion of Dr. Bentley.

Rai Sahib PANCHANAN BARMA: That may be the case in some other parts, but not here. There have been no floods on the north side of the railway line running from Kaunia to Dhubri; also there have been no floods on the west side of the railway line running from Kaunia to Bonarpara. The flooded areas lie to the south and east of these railway lines through which the water passes down to this area. This portion of the district is intersected by the rivers Brahmaputra, Teesta and Dharla. Since the earthquake a few years back, the rivers Teesta and Dharla could not flow properly, and as a result there was water stagnation.

As regards the Brahmaputra river, I can tell this, that when there have been floods in Kurigram and Gaibandha, only a small portion of Dhubri lying just above Kurigram was inundated with floods, and the increase in the volume of water flowing down the Brahmaputra was not very great. So, I submit, Sir, that it is the change in the courses of the rivers Dharla and Teesta that have caused more havoc than anything else.

Sir, my friends seem to have misunderstood the part which the earthquakes in these regions play, so far as floods are concerned. The severe earthquake of 1304 B.S. raised the river-beds much, and on the last occasion, too, the upheaval in the beds of rivers modified their courses greatly.

As regards the miseries caused to the people by these floods, there is no question that they are very great; indeed, I think the official records will support the facts furnished by the Maulvi Sahib. The inhabitants of this affected area are in great need of relief from the floods.

So, I think, Sir, that expert knowledge is necessary, and I wholeheartedly support the motion before the House.

Babu KISHORI MOHAN CHAUDHURI: Sir, I will not detain the Council long at this late hour. I have myself got some experience as regards flood conditions in my own district as well as in the districts of Pabna and Bogra. The first of the floods occurred in my district in the year 1918-19 and the subsequent one in 1922. After the first flood I moved the matter in the pre-Reform Council, and I was assured at the time by the Hon'ble Member-in-charge of the Irrigation Department that necessary inquiries would be made into the matter, but unfortunately nothing was done; within a few years of that flood a great flood—which is generally known as the North Bengal Flood—occurred. After that flood, we again took the matter up to this Council and we had the satisfaction of seeing a Committee appointed to inquire into the matter. The Committee, so far as I recollect, gave the verdict that these floods were due to defective drainage system. In fact, the question of defective drainage system is most important at the present time, and in many districts in the interior of this province, defective drainage systems have been causing a good deal of harm; the people, too, suffer very severely from this cause.

Sir, I may be permitted to mention another fact, *viz.*, that after the North Bengal Flood we first realised that the railway system was responsible for these periodical floods. There were no proper arrangements for allowing the storm water to pass off. I might add that the report of the Committee stated that the Railway Department was to blame to some extent. I was then a member of the Advisory Committee of the Eastern Bengal Railway, and I fully remember that I moved the Agent to have inquiries made in this matter. He admitted to me that really there were some defects in some of the culverts, and he explained to me that about one thousand feet of culverts had to be added to the existing ones in order to make better and improved provision for the passing of storm-water.

So far as the present resolution is concerned, I only hope that the Hon'ble Member-in-charge will accept the resolution and agree to arrangements being made to have thorough inquiries conducted into the drainage condition of that part of the country.

Then, Sir, there is another question. What is to be done if there is really defective drainage or how is the upheaval caused by earthquakes to be circumvented? Surely, Sir, Government ought to take steps to probe into the matter so that the evils complained of may be remedied. There is no denying the fact that great sufferings are caused, and I believe that it is within the recollection of many members of this House of the tremendous arrangements that had to be made to relieve the sufferings of the people in the flooded tracts.

Sir, we have all heard from the hon'ble the mover of the resolution that even now the flood menace remains, and so it is up to Government to ascertain the facts very thoroughly. The people in those "danger zones" cannot be left indefinitely to the furies of the elements when their sufferings can be alleviated to some extent at least.

Sir, with these few words I support the motion before the House.

Khan Bahadur Nawab MUSHARRUF HOSAIN: Sir, the subject before the House is the perennial abnormal flood in Rangpur and other districts. I represent Jalpaiguri, which is also affected by the very same floods. The subject is really a very difficult one, and it is for the experts to decide what can be done in the matter. My friend the mover has suggested the formation of a Committee with experts to advise Government as to what means can be devised to nullify the effect of the floods in future. Sir, I am rather doubtful whether there are experts enough in Bengal for this purpose. There are doubtless engineers here and there, but I doubt if they can be of very much use in advising us. However, as the matter is really one which should be inquired into, I appeal to both the Hon'ble Member-in-charge of the Revenue Department and the Hon'ble Member-in-charge of Irrigation to find out if they can help us with the advice that they can secure from their experts as to whether the effect of the floods can be nullified, at least to some extent.

Sir, the question of river-training is indeed a difficult one, and so far as I know the history of river-training, the only place where this has been done is Russia. In Russia, I mean European Russia, every river has been trained and so much subjugated that there is hardly any flood there. Of course, it has taken Russia centuries to do this. But we want to do a little beginning and if our friends in the Irrigation Department and in the Revenue Department will but exert themselves to make a start and find out first of all what Russia has done in the matter of river-training, how they have become successful and tackled their big rivers—rivers as big as we have in our country—then a means might be found. Of course, they tackled the question centuries ago; and we are a little bit late, but I think we can make a beginning now. I quite admit that it is quite a big affair and requires a lot of money. So far as I know, it will require a lot of pockets for each river which will also take away a lot of land from the country. But if Government can devise schemes for making pockets for flood water and releasing that water at their sweet will and pleasure, the problem can be solved. But the question of big rivers like the Brahmaputra is really a difficult question, and I do not believe it is possible for any human device to control such floods. As for the Teesta, the Dharla and other rivers, they can be easily

trained by having a large number of pockets to accommodate the rain water, so that when the river goes down, with it the surplus water may also go down. In that way such rivers can be trained, but I am not an expert in river-training, and cannot advise how rivers should be trained. I would accordingly ask my two friends who are sitting there, namely, the Revenue and the Irrigation Members, to consult their experts and devise means of nullifying the effects of the floods.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dildiar: Sir, the appointment of a committee of experts or otherwise, I venture to submit, cannot be a panacea for all evils, much less for such a thing as the prevention of floods. It was only the other day that this House was regaled with a great deal of oratory on the question as to whether a committee should be appointed to consider another problem of a very difficult nature, and the House in its collective wisdom decided to turn it down, or to be more precise, the mover of the resolution wisely decided to withdraw it. Sir, so far as the present resolution is concerned, I cannot quite understand what sort of committee the mover visualises. The appointment of a committee with such general terms of reference, I venture to say, can serve no useful purpose. Furthermore, if a committee were appointed with men of the highest intellect, for example, with men like the late Sir William Wilcocks, even that committee, I venture to submit, will scarcely be able to formulate proposals that will at once control the floods of such mighty rivers as the Brahmaputra. I may assure my friends, who have spoken in favour of the resolution, that I yield to none in my sympathy with the tale of woe that has been described here, because, I may say, in spite of what has been stated by Mr. P. Banerji that this department has not been responsive to things of this kind, I may tell him that the moment information about floods in certain areas near Calcutta came to my notice, not only the Chief Engineer but the Hon'ble Member for Irrigation himself also went and tried to do what was possible under the circumstances. The mere appointment of a committee, I repeat again, cannot help to formulate proposals, which would also require vast resources. If any proposal of the kind that is required, is formulated, we shall be up against another difficulty, namely, the difficulty of finding money to give effect to it. The cost would be absolutely prohibitive.

Sir, in the course of the debate I have heard some amazing statements. For instance, Mr. P. Banerji said that if the rivers in the Presidency Division were cleared of silt, then floods would not occur in the Rangpur district. Now, Sir, that is a most curious proposition that I have ever heard. Then, again, it has been stated by the mover of the resolution that perhaps it might be necessary to provide embankments and so on. Another speaker stated that embankments

were not desirable, and as a matter of fact the present policy of Government is gradually to do away with embankments. So that various contradictory views and suggestions have been made by speakers. It has also been said by one speaker that railways were responsible for these floods, while another has contended that they are not. I can assure the mover and others that the Irrigation Department is quite alive to the question of floods. It has got its experts whose duty it is to look round and take steps that are normally possible in order to prevent any sufferings that may be caused by floods. As regards the particular floods in the Rangpur district, which is the subject of the resolution now, I may quote what has been stated by the Superintending Engineer in his report. The Superintending Engineer, South-Western Circle, states as follows with regard to the flood in August 1931: "This flood was due to simultaneous heavy rainfall in the upper basin of the Brahmaputra and Teesta rivers. Local rainfall was not abnormal. In the upper basin of the Brahmaputra and Teesta, rainfall during July, 1931, was very heavy as compared with the figures of the previous four years. In consequence of this heavy rainfall, the flood began to rise by the last week of July and was heavy by the first week of August. The Ganges level at Rajmahal was not higher than that of the previous four years excepting during the month of September. Thus, the Ganges was not in higher flood than usual during July, 1931, but the Ganges level at Goalundo in August, 1931, was higher than the levels in the corresponding periods of the previous four years, which was probably due to the Brahmaputra flood backing up the waters of the Ganges. At Serajgunge, the Brahmaputra level on the 31st July was the highest in the last ten years. The cause of the flood of 1922 was heavy simultaneous rainfall in all the districts of Northern Bengal, whereas the flood of 1931 was due to simultaneous rainfall in the upper basins of the Brahmaputra and Teesta."

Now as regards the Teesta and the Dharla, the opinion of experts was obtained regarding the requisite action for preventing the Teesta at Jalpaiguri from going into the Dharla, and certain measures have been taken in consequence by the Darjeeling-Himalayan Railway and the Public Works Department in consultation with the Irrigation Department. It is obviously impossible for Government to do anything to prevent such visitations of nature. It has been clearly explained by Rai Sahib Panchanan Barma that the real cause of the trouble is due to the serious earthquakes that they have had there. These earthquakes have resulted in raising the beds of the rivers and, therefore, it is a huge problem—a problem which, by the mere appointment of a committee, cannot be solved. I have said that I have every sympathy with the tale of woe that has been narrated, and I may lay down as a policy that if facts are brought to my notice or to the

notice of my department, they will always receive careful consideration and examination. As to the two allegations that have been made to-day, if information is supplied, every effort will be made to find out what measures might be adopted in order to mitigate these floods. With this assurance from me, I think it will be wise on the part of the mover to withdraw the resolution, as otherwise I shall have to oppose it.

The resolution of Kazi Emdadul Hoque was then put and lost.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 11th August, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 11th August, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 95 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

District Judge's sheristadar, Hooghly.

*24. **Kazi EMDADUL HOQUE:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(i) the number of office peons and orderlies (permanent and temporary) who have been appointed and discharged during the sheristadarship of the present District Judge's sheristadar of Hooghly; and

(ii) the period of time for which the said sheristadar was on leave during the last three years?

Member in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir William Prentice): (i) The question covers a period of 14 years and the information is not available and could not be obtained without a laborious inquiry which Government regret they are not prepared to undertake.

(ii) 7 months and 29 days.

Sheristadar of the 24-Parganas' District Judge.

*25. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the amount which the Nazir of the Baruipore Civil Courts (district 24-Parganas) has been ordered to refund on account of his defalcation of the postage charges deposited by the litigant parties in the years 1932 and 1933, and

(*ii*) the number of such defalcation cases in the district of the 24-Parganas during the sheristadarship of the present District Judge's sheristadar?

(*b*) Will the Hon'ble Member be pleased to state the reasons for granting repeated extensions to the said sheristadar?

The Hon'ble Sir WILLIAM PRENTICE: (*a*) (*i*) The Nazir of the Baruipore Civil Courts (district 24-Parganas) was ordered as head of the department to deposit, and has deposited, Rs. 560-15-0 to make good a shortage, due to payments which could not be supported by vouchers and for which it was found impossible to fix the responsibility on any particular individuals. This was a case of irregularity and not of proved defalcation.

(*ii*) There was only one case of defalcation, in 1927.

(*b*) The sheristadar is on his first extension only.

Maulvi SYED MAJID BAKSH: With reference to (*a*) (*ii*) is it the defalcation that is mentioned in (*a*) (*i*)?

The Hon'ble Sir WILLIAM PRENTICE: No.

Maulvi SYED MAJID BAKSH: What action has been taken against the person who defalcated the money?

The Hon'ble Sir WILLIAM PRENTICE: He was convicted in a court.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not the Government policy that for reasons of economy no extensions are generally allowed?

The Hon'ble Sir WILLIAM PRENTICE: I think the Rules are that in the case of ministerial officers if a person is fit for service, normally extension can be given up to 60; for gazetted officers there are no extensions save for public reasons.

NON-OFFICIAL BUSINESS

RESOLUTIONS

(on matters of general public interest).

Resolution regarding Rules with regard to Revenue Assessment.

Mr. SARAT KUMAR ROY: Sir, may I move the resolution which stands in the name of the Raja Bahadur of Nashipur who is absent, in my name?

Mr. PRESIDENT: You can do so.

Mr. SARAT KUMAR ROY: I move that this Council recommends to the Government that the Hon'ble the Board of Revenue be asked to frame rules with regard to the revenue assessment of the temporarily-settled estates in Bengal consistent with the spirit of the well-known resolution of the Government of India of 1902.

The total extent of the temporarily-settled estates in Bengal is not at all negligible since it has been estimated to be nearly one-fifth of the province. The administration of the Revenue policy with regard to lands of this area is certainly of some concern to us and particularly because I find that the application of the Revenue policy introduced in 1879 has caused much hardship to the people concerned. Now such temporarily-settled estates may be classified into 5 divisions:

(1) Diarah *mahals* extending over all parts of Bengal.

(2) The resumed *mahals*.

(3) Sunderban grants under the Rules of 1853.

(4) Sunderban grants under the Rules of 1879.

(5) Noabad *taluks* of Chittagong, etc.

Under the existing rules embodied in the Survey and Settlement Manual, 1917, the assessment of these estates is made periodically, that is after every 30 years, and the revision is made upon *raiyatwari* assets of these estates of which 70 *per cent.* goes to the Government as revenue and 30 *per cent.* goes to the lessee who accepts settlement. In case where the lessees accept settlements amicably the extent of their allowance may be enhanced at the discretion of the Revenue officers, to 40 *per cent.* of the said assets and in such cases Government gets 60 *per cent.* as revenue.

Now, Sir, such a division of the *raiyatwari* assets causes great hardship to the lessees for several reasons.

(1) In some cases, they have to make heavy expenses in reclamation of land and maintenance of embankment and other protective measures which are absolutely necessary to keep the land in a condition fit for cultivation. This estimated to cost not less than 20 *per*

cent. of such *raiyatwari* assets. Even Government has assumed in certain cases of temporarily-settled estates that 15 *per cent.* is a proper allowance for such persons and such a proper allowance has been granted by the Government in settlement of Sunderban estates held under 40 years' lease.

Secondly, the holder of the estate has to maintain establishment charges; incur law charges. Assuming that he can maintain an efficient staff, I think that at least 10 *per cent.* will be necessary for such establishment and 10 *per cent.* for law charges may also be necessary. Hence the total expenditure on either of these two heads may come up to about 20 *per cent.* of the assets.

Thirdly, allowance ought to be given for arrears that generally remain outstanding at the year end particularly because of the rather permanent depression of prices of agricultural produces of Bengal that now prevail. I may mention to you, in this connection, that from the administration report of the Government of Bengal it appears that in estates held under Government management not more than 47 *per cent.* of the current demand could have been collected by the Court of Wards during the financial year 1931-32. Under the circumstances, I think 25 *per cent.* will be a very moderate figure for our estimate so far as these temporarily-established estates are concerned.

It appears then that even leaving the question of non-realization of rent and bare subsistence of the lessee out of consideration, I think at least 45 *per cent.* of the *raiyatwari* assets must be deducted in fixing the quantity of assets available for distribution between the Government and the lessee. If the lessee has to be satisfied with only 40 *per cent.* of such assets, I do not know how he can be expected to remit revenue punctually according to the Sunset Law, a rigorous measure that has been recently enforced upon these estates and I submit, Sir, that some consideration is absolutely necessary and the amount of allowance for the lessees ought to be raised.

Then, Sir, I think it is not altogether out of place to mention before this House that in view of the facts and circumstances of temporarily-settled estates, the Government of Bengal has been recently pleased to modify its revenue policy, I mean with reference to the 99 years' settlement and 40 years' settlement of Sunderban estates I have already referred to you in the beginning of my speech. There, in the case of 99 years' settlement I understand no assessment is made on 25 *per cent.* of the total area of each estate and the assets of the remainder of an estate are divided between Government and the lessee, the Government taking one-third and the lessee getting two-thirds. In the case of 40 years' settlement such division is made by Government taking 50 *per cent.* according to the nature of the case. With regard to the former, I mean 99 years' settlement of Sunderban estates, I may be permitted to mention that the holders of these estates had enjoyed their

lands revenue free for 20 years and since then they had been paying 2 annas per *bigha* annually as revenue. It seems therefore that they have already enjoyed the opportunity, Government was kindly pleased to give them in 1853 for a sufficient length of time, to recoup themselves of the investment of capital they had paid in the reclamation of their estates. Now, in this connection I may also mention that about the year 1900 elaborate inquiries were made by the Government of India when Lord Curzon was the Viceroy and a resolution was adopted to the effect that the general policy should be to allow to the lessees not less than 50 *per cent.* of the assets of the estate settled with them, and I think agreeably with this resolution the Government of Bengal has recently been pleased to adopt rules whereunder revenue officers have been empowered to fix the allowance of the lessees at up to 50 *per cent.* of assets, of 40 years' settlements of Sunderban estates.

Sir, I think in the preamble of the regulation 7 of 1822 which is still in force and the provisions of which are availed of in making settlements of these estates and in giving jurisdiction to the revenue officers for fixing revenues of these temporarily-settled estates, the legislature intended to equalize the public burden upon all lands in the Province. If that be so, I think it is equitable to enforce one uniform method of assessment of revenue of temporarily-settled estates of Bengal when these are revised periodically. A homogeneous practice is certainly desirable for bringing about a uniform standard of agricultural prosperity in all parts of the province where such estates exist. The resolution of the Government of India adopted in 1902 aims at giving a very moderate and proper allowance to the lessees of temporarily-settled estates and I think there is hardly any justification for ignoring the claims of holders of Diarah *mahals* all over Bengal, Noabad *taluks* of Chittagong and resumed *mahals* of Barisal for such consideration.

I think they very properly deserve the sympathy of the Government in this direction and the concessions which have been granted by the Government in respect of temporarily-settled estates of Sunderbans held under the Grant Rules of 1853 should be extended to all of them or at any rate if Government think that by the circumstances of their origin they deserve some special consideration and which the others I have enumerated cannot aspire to enjoy, I think the general provisions made in this respect under the resolution of the Government of India, 1902, should be made applicable to all other temporarily-settled estates of Bengal and with these words I move the resolution.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I wholeheartedly support the resolution that has been moved by my friend to the right. The question of the assessment of temporarily-settled estates is one which deserves sympathetic and careful consideration of Government. Although my friend did not care to mention the name

of Jalpaiguri along with the list of districts, I would add Jalpaiguri also to it. Two-thirds of Jalpaiguri are not temporarily-settled; and my friend has been quoting chapter and verse from Government resolutions to the effect that half the income or half the total collection should be allowed for the share to *jotedars*. So far as my information goes, in the district of Jalpaiguri, they are not to get more than 30 or 35 *per cent*. This has created a great hardship.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I point out, Sir, in order to clear the difficulty, that Nawab Sahib is now talking apparently about the agricultural *raiyats* of Jalpaiguri. But so far as I can see the resolution itself deals with temporarily-settled estates. The Mover, therefore, confined his remarks to them. I only want to point this out in order to obviate any difficulty.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: In the district of Jalpaiguri there are various classes of tenancy; there are *jotes* which are in existence long before the British occupation.

Mr. PRESIDENT: Have you taken note of the Hon'ble Sir Provash's objection? I hope you will bear that in mind.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: These *jotes*—called *mal-jotes*—are, as I have already said, in existence long before the British occupation. The Sunset Law applies here for realization of rent. I give you some facts. I specially refer to the class of *jotes* which are held before the occupation of the British and those are of the same class as mentioned in this resolution. I would urge upon Government that, when settlement is made of these *jotes* Government ought to show consideration to tenants and *jotedars* of Jalpaiguri as well.

Then, as regards the inability of every class—proprietors, *talukdars*, *jotedars*—to pay the present assessment, is not unknown to any of you. Sir, in these days of economic distress, the enhancement of rent is rather inhuman and I would especially appeal to my hon'ble friend in the Government Bench to see that so far as the resolution goes, the rule is so framed that 50 *per cent*. be extended to holders of *jotes*.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, the resolution that we are discussing is with regard to temporarily-settled estates in Bengal and the recommendation is that the Board of Revenue should frame certain rules. Mr. Sarat Kumar Roy who moved this resolution which originally stood in the name of the Raja Bahadur of Nashipur, was perhaps thinking of a resolution which he himself moved and which was discussed in this House in February, 1931, namely, about the introduction of a Bill on revenue assessment of temporarily-settled estates in Bengal. I say so because many of his observations relate to that subject. That was fully discussed and the members of this House are

fully familiar with this question. With that preliminary observation I would like to point out that temporarily-settled estates in Bengal are of various types. Mr. Sarat Kumar Roy referred among others to Sundarbans *lotdar* estates. Now if rules are framed by the Board of the type that the resolution suggests, namely, that certain *percentage* should be given to Sundarban *lotdars*, they would not meet the two types of leases—one the 99 years' lease and the other 40 years' lease. According to both, these types of Sundarban lots are held under contract. In the 40 years' lease there is a specific renewal clause and in that renewal clause it is stated that another lease of 30 years will be given and during that period of 30 years the *lotdars* will get 30 *per cent.* of the assets for his profit, cost of embankment and everything else: that is a specific contract. Therefore I submit, Sir, that it will be a dangerous policy if you get rid of contracts solemnly entered into by mere rules. It may be suitable on the present occasion so far as the *lotdar* is concerned, if we interfere with the contract provided that interference is in his favour. But if you lay down as a policy that a contract could be set at naught by rules—if you lay that down as a general policy it may be to his detriment or to his benefit and that would be a dangerous policy. About the 99 years' lease if such a principle is applied it would be to the detriment of the 99 years' lessee. Furthermore, about the 40 years' lease although the contract provides for 30 *per cent.* altogether—and some members present in this House, I believe, are interested in 40 years' lease—Government when revising that contract allowed more than 30 *per cent.* I do not remember the specific *percentage*, but it was certainly more than 30 *per cent.*, it might have been 35 or 40 *per cent.* I did not know that I was going to deal with this point and so I am not ready with the necessary figures. In fact this point does not arise out of the resolution. Government have given a further discretion to the Settlement Officers to give an allowance for embankment charges where such charges are necessary. As regards the 99 years' lease, that is also under contract. There is clause 8 or some such clause which says that after the expiry of 99 years the lot will be resettled at a moderate assessment and so on. I admit that the clauses are very obscure, it is very difficult to make out what is the specific intention of that document. The Settlement Officers granted one renewal and as the language was so obscure they followed the ordinary practice and after following the ordinary practice they paid more attention to leniency. What the Settlement Officers did was that one-fourth of their total lot would be free from assessment. Furthermore, in suitable cases they gave certain other allowances and in others they did not. And speaking from memory I say that they based on a certain assessment which worked out at about 50 *per cent.* of the total asset. But when the matter came before Government on the representation of certain land-holding associations Government, the Board of Revenue and the Director of Land

Records went into the matter thoroughly and only in a specific number of cases the order passed—because the whole case had not yet been decided—was that the *lotdar* would get one-fourth free of assessment. That order was maintained and furthermore the *lotdar* would pay 35 *per cent.*—here again I am speaking from memory—of the assets and would retain 65 *per cent.* of the assets. Well, I think, Sir, that if the resolution as it stands be accepted then these *lotdars* will not be very happy. They are getting more than what the recommendation here would give them. And that brings me to the point that it is difficult to frame uniform rules on a 50 *per cent.* basis in a province like Bengal where there are temporarily-settled estates of various types and whose income is only about Rs. 25 lakhs a year. There are the type of the Sundarban *lotdar's* estate. Here again the position of these estates in the districts of 24-Parganas, Khulna and Bakarganj may not be the same, indeed in many respects the factors are different. Then there are private estates, which were originally permanently-settled estates, but there were some revenue defaults and in consequence purchased by Government and they are now held as temporarily-settled estates. Then there are estates merely leased out. Others again consist mainly of lands which were originally waste lands and a good portion of such estates are the tea leases of Jalpaiguri—not *mal-jotes* or *jotes* of Jalpaiguri. Then again, there are estates which are fundamentally different in one district from estates in another district. For instance, estates in Midnapore and Darjeeling have peculiarities of their own which are quite different from those of Nadia, Hooghly, Mymensingh and other places. Then there are the Diara estates which are governed by the provisions of Act IX of 1847. Section 7 of Act IX of 1847 directs that assessments are to be made on principles applicable to alluvial increments. So how is it possible to apply one rule on a 50 *per cent.* basis to different types of temporarily-settled estates. I would point out that the statutory provisions, say, of Regulation VII of 1922, of Act IX of 1847 and certain other statutory provisions cannot be ignored; but most of these statutory provisions leave a discretion to the Settlement Officers or to the Board and that discretion is always used in order to get an assessment which is fair and moderate. During the course of his remarks Mr. Roy referred to points which are really relevant to the economic depression and Nawab Musharruf Hosain also referred to similar points. That point was debated on more than one occasion in this House. Beyond pointing out that the present economic depression has really no relevancy to the resolution as framed, I need not say anything further; but since this point has been raised I may point out that the attitude taken up by Government is this. If on account of economic depression individual settlement holders or individual *raiyats* in *khas mahals* make representation to the local officers and in such representations they can

make out a suitable case, then the case for temporary remission or reduction will be suitably considered. Therefore it is not proper or right or fair to the tax-payer or to the temporarily-settled holders or the *khas mahal raiyats* that one rule should be made applicable to the whole province. A portion of one district may be particularly hard hit and therefore it requires different treatment to that meted out to portions of another district not so hard hit. You cannot meet these situations by an uniform statute or rule applicable to the whole province.

The question of the temporary economic depression has really no bearing on the present discussion. If Mr. Roy or the Raja Bahadur of Nashipur, who originally tabled this resolution, has any specific areas in view or any specific types of estates, and if either of them would submit the grievances in regard to such specific areas to the Secretary in the Revenue Department, that Department will certainly go into the matter in consultation with the Board of Revenue, because members will remember that this is under the special charge of the Board of Revenue and not of the Revenue Department. But as at present advised, I do not think the House will be justified in recommending that a general rule should be laid down. It would be a great mistake if they do anything of that sort at this stage. Nor am I prepared to say that the spirit of the resolution of 1902 is not really followed in Bengal. If Mr. Roy presses the resolution to a division I must oppose it. If on the other hand he withdraws the resolution and brings specific grievances to the notice of the Department, I shall certainly consider those grievances.

The motion was, by leave of the House, withdrawn.

Resolution regarding vacancies in the ministerial services.

Rai Sahib SARAT CHANDRA BAL: I beg to move that this Council recommends to the Government that a circular be issued to all district authorities to advertise in the local newspapers all vacancies in the ministerial services and to instruct them to follow the circular strictly.

Sir, the motion is a very simple and harmless one. If the motion is carried and given effect to, it will provide the unemployed youths of Bengal with a valuable piece of information.

Sir, the object of the motion is that the Government will issue circulars instructing all district authorities and other authorities who have got appointments under their control to advertise in local newspapers whenever any vacancy in ministerial service takes place.

Sir, I think that as the ministerial officers are public servants, the public has the right to know when and how vacancies are filled up. Sir, the public are now badly in need to get this information because they find their educated wards engaged in or connected with undesirable

associations for want of suitable provision in life. The educated unemployed youths too find the Government careless even to provide them with any information regarding any vacancy in ministerial service. They only get the information when the vacancy is filled up. Thus the unemployed youths lose all respect for such authorities and ultimately for the Government. If vacancies are advertised, then all unemployed youths may try their chance, and even if they fail to get the job, they cannot accuse anybody.

Sir, along with the change of circumstances, advertisement of vacancies is now urgently needed. The Government have issued some circulars instructing district authorities and other authorities who have got appointments under their control to fill up vacancies according to the instructions given therein. But, Sir, it is a matter of deep regret to find that the circulars lose their strength and importance when they reach such appointing authorities. This fact was brought to light by the Hon'ble Member in charge of the Appointment Department when in reply to a question put by me during the last budget session he laid on the table a return showing how district officers and other authorities have filled up vacancies in the ministerial services.

Sir, if vacancies are advertised in local newspapers stating how and when a vacancy is going to be filled up, in that case candidates of that particular caste or community may apply and try their chance. Further, it will be a check upon the authorities to appoint in violation of the instructions candidates who do not satisfy those tests. This will also save the appointing authorities to guard themselves against under-influence and other undesirable canvassing.

Sir, some of the honourable members may think that the Government has to deal with serious matters and that it is not desirable that they should instruct responsible district officers or other authorities who have got appointments under their control to advertise in local newspapers whenever a vacancy in ministerial service takes place. I think the Government has left the matter to the appointing authorities and they are at liberty to take any step they think proper according to local needs.

Sir, I know that in some district the appointing authorities keep a list of persons seeking appointment, and I know many cases in which persons enlisted are not at all called when vacancies are actully filled up, and we have seen how non-matrics are appointed where better qualified candidates are available, and we know cases in which candidates are appointed in violation of the instructions of the Government and when questioned the usual reply is that candidates were not available. Sir, this is how some responsible officers discharge their duties.

I think that advertisement is a better method than keeping a list of intending candidates and I know, Sir, that vacancies in the ministerial services of the upper grade and lower grade of the Secretariat are

advertised. I know also that the present Commissioner of the Presidency Division advertised a vacancy.

Sir, I think that this difference of procedure is due to their experience in actual service. Sir, those officers who have been honourable members of this House and have seen with their eyes how the Hon'ble Members in the Treasury Benches are criticised, think advertisement to be the better method, while others living in the districts find their position more secure than the members of the Treasury Bench. We scarcely find any opportunity to criticise them at any time, so we are helpless to draw their attention to the legitimate grievances of the public. So most of these officers do not like advertisement.

Sir, in conclusion I submit that if the resolution is carried and given effect to a long-felt disadvantage of the public and the unemployed youths of Bengal will be removed and further it will help the appointing authority to give effect to the Government circulars.

With these few words I commend the motion to the acceptance of the House.

The Hon'ble Sir PROVASH CHUNDER MITTER: I may begin by saying that about the object the mover has in view there is very little disagreement between him and the Government. I may also say that the attitude of Government is one of utmost sympathy to the proposition that these vacancies should be widely known. I will now place before the House the present position.

There are special rules for filling up vacancies in the Upper Division. They are to be filled up from the ministerial officers' service, and if it is contemplated to introduce an officer from another district, an advertisement is to be inserted in the *Calcutta Gazette*. If none of the applicants is found suitable, it is then possible to appoint a member of another service or an outsider. This will be a very rare occurrence and no rule for advertising in any local newspaper is required.

As regards the Lower Division, a notice is to be put up in a prominent place in the District and Subdivisional Offices at least 15 days before the appointment is made.

When it is intended to appoint a Muhammadan in a permanent or temporary appointment and a qualified candidate is not forthcoming, a notice must be issued and an inquiry must be made from a recognised Muhammadan Association, and a notice in a prescribed form must be sent to the Assistant Director of Public Instruction.

This latter rule applies to temporary as well as permanent appointments. There is no prescribed rule for advertising temporary vacancies unless it is intended to select a Muhammadan in order to maintain the prescribed standard of Muhammadan employment and a suitable Muhammadan is not otherwise forthcoming. The resolution,

therefore, asking for advertisement in the local newspapers I am afraid I must oppose, but we are quite willing and in fact we are anxious that the intending candidates should know about vacancies, and so far as the Government are aware, every step is taken by responsible local officers to follow the circular issued by Government. Now the mover has himself said that the local officers should be allowed to take such steps as they think fit. Quite right; I have no quarrel with that. But what is in the mover's mind, and he has also expressed it, is that what he is afraid of is other influences. If that is the real trouble, even if we advertise in the local papers, then the other influences will still be at work. I think this question instead of being ventilated in this House had better be brought to the notice of the district officers. This is a practical difficulty and not a difficulty which can be cured by a general application.

As regards Muhammadan appointments, I have read out to you the elaborate steps taken by Government. But even then I have heard complaints from my Muhammadan friends about this. I think the more you take it up locally the better would be the result. The reason why I oppose the resolution as it stands is that I think it would be a waste of public money to advertise in the local newspapers. Some of these newspapers have not much circulation. Supposing some petty temporary appointments are to be made for 15 days or for a month, are you going to advertise them? Is the tax-payers' money so cheap and what good purpose would be served by advertising? On the other hand, if the local representatives or those who are interested in it be on the alert and in touch with the district officers or the appointing authorities, then this object would be better served. I hope the mover will withdraw the motion. If not I must oppose it.

Rai Sahib SARAT CHANDRA BAL: With your permission, Sir, may I ask the Hon'ble Member a question? Will the Hon'ble Member be pleased to give us an assurance that the instructions he has just read out are followed by the district officers or other officers who have got appointments under their control?

The Hon'ble Sir PROVASH CHUNDER MITTER: Those being Government instructions I am entitled to presume that they are followed. But if the member asks for an assurance—there are hundreds and thousands of cases—and if the allegation be that they are deliberately broken, I must most emphatically deny it. But the remedy is not that. Even if we accept the resolution, the difficulty would be there. Beyond that I cannot say.

The motion was then, by leave of the House, withdrawn.

Resolution regarding Medical Relief in Calcutta.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that this Council recommends to the Government that the Ministry of Local

Self-Government do constitute a Joint Advisory Committee consisting of an equal number of representatives of Government, the Corporation of Calcutta and the principal medical institutions and associations in the city to examine the adequacy of hospital accommodation including the provision for infectious cases, prepare a co-ordinated quinquennial or decennial programme of work with rough estimates of cost, for future expansion and development in the matter of medical relief (including any new line of work that may usefully be started) and suggest how the work and responsibility may be divided between Government, the Corporation and private effort.

Sir, it is no small satisfaction to me that at long last, I have been afforded an opportunity to place before the Council my motion in connection with medical relief in Calcutta, which I tabled a long time ago. In the long interval which has elapsed since I first sent in my notice of motion, the question of hospital accommodation in Calcutta has become more acute, and public attention has recently been drawn pointedly to defects of existing arrangements in an address on local hospital organisation and administration at a meeting of the Rotary Club. There was a spirited rejoinder to the criticisms by the Acting Surgeon-General, Col. Proctor, who however had to admit that the Medical College Hospital which was nearly 100 years old required rebuilding on modern lines to remove many defects. While in these recent discussions a great deal of stress has been laid on various defects in existing institutions and there has been a somewhat unfortunate controversy over the comparative merits and drawbacks of a system of honorary workers as against the employment of a costly paid staff, very little attention has been paid to the question of securing a co-ordination of effort among the various authorities concerned with the question of medical relief in the city and it is to this larger aspect of the problem to which I would invite the attention of the Council.

The three principal agencies in Calcutta either responsible for or having direct concern with the question of medical relief are Government, the Corporation, and the authorities of a number of private medical institutions.

From the Surgeon-General's Annual Report, I find that there are in Calcutta 13 hospitals and dispensaries under the control of Government with a provision of 2,146 beds and a daily average of 1,816 in-patients and 2,024 outdoor patients. The total expenditure on these institutions comes to Rs. 26¼ lakhs of which Rs. 18¼ lakhs is contributed by Government.

The Corporation of Calcutta maintain 17 outdoor dispensaries with 4 beds in one of them for emergency cases and 4 Maternity Homes. The daily average number of patients treated in the outdoor dispensaries is about 1,400. The Corporation also maintain a Homeopathic

Outdoor Dispensary with a daily average of 83 patients and a Unani Dispensary with a daily average attendance of 141 patients. The total expenditure of the Corporation on hospitals and dispensaries comes to Rs. 8 lakhs of which about Rs. 6 lakhs is on account of contributions to various hospitals in Calcutta.

As regards private institutions, the principal ones are the Carmichael Hospital at Belgachia, the Chittaranjan Hospital, the Chittaranjan Seva Sadan, the Sree Vishudhananda Saraswati Marwari Hospital in Amherst St., the Calcutta Medical Institute, the Bagla Marwari Hospital in Harrison Road and the North Suburban Hospital in Cossipore. Excepting the Bagla Hospital for which I have not been able to obtain figures, I find that the other institutions, I have named above, have 1,156 beds with a daily average of 859 in-patients, 2,492 outdoor patients and that the total annual expenditure comes to Rs. 6 lakhs.

The result then is that we have 3,300 beds in the various hospitals of Calcutta with a daily average of 2,675 indoor patients and a total expenditure of Rs. 40 lakhs. It is necessary to pause and reflect how far the existing arrangements are adequate and whether with more co-ordination, far better results cannot be obtained for the expenditure involved.

The first fact that stares us in the face is why with a total provision of 3,300 beds against a daily average of 2,675 indoor patients there should be any difficulty or delay in getting admission, and yet complaints are frequent on this score. The Corporation motor ambulances have frequently to take cases from one hospital to another and instances have occurred in which patients picked up from streets have had to be brought back and left in the streets for want of accommodation. The inadequacy of existing hospital accommodation is a matter of common knowledge and it is a matter for consideration whether with co-ordination the present undoubted inconvenience cannot be minimised.

At present all the three groups interested in this matter are proceeding more or less on parallel lines, often without reference to each other; Government are proceeding in their own way; the Corporation are developing their own ideas, while the private institutions have got their own programmes of expansions and it is only when any grant is wanted from Government or the Corporation they let them know.

The responsibility for the provision of adequate medical facilities is on Government, both because of the past history of this matter and because of Calcutta being the provincial capital to which flock patients from all over Bengal and even from outside for treatment. Although there is no legal obligation on them, the new Corporation

after the Act of 1923 have taken a generous and an equitable view of the matter. I do not wish to take up your time in any academic discussion as to the respective duties of Government and the Corporation, and as to whether the expenditure on medical relief is only discretionary with the Corporation or not. The fact is that the Corporation have not only started a number of dispensaries but have also been helping a number of institutions with substantial grants-in-aid. I remember the discussion in the Bengal Council in the eighties when in connection with a proposal to make it obligatory on the Corporation to spend a small sum for primary schools in the added areas, Sir Henry Harrison stated that the *percentage* of consolidated rate had been fixed with reference to the essential municipal services and would have to be raised if funds had to be provided for primary education or medical relief. It will be found that the Corporation have increased the expenditure on hospitals and dispensaries from Rs. 2½ lakhs in 1923-24, the last year of the old Corporation, to Rs. 9 lakhs in the current year. I happen to know personally how keen and eager the Corporation are to extend facilities for medical relief and I have reason to believe that if Government will approach the Corporation in a friendly spirit, the Corporation will not be slow to respond and to co-operate in any measure calculated to improve the present state of affairs. The scheme for an infectious diseases hospital is still in the air, and although the Corporation have to some extent tried to meet immediate requirements by giving extra grants to some of the existing institutions to provide additional beds for infectious cases, they may not be unwilling to shoulder their share of the burden of providing a well equipped hospital exclusively for infectious cases in the outskirts of the city.

As regards private institutions they have a fund of experience of management with local talent which Government would do well to avail themselves of and would not, I feel sure, hesitate to join in any conjoint effort to review the present position and to prepare a co-ordinated plan of development for the future.

Instead of Government, the Corporation, and the private institutions each proceeding in their own way, it would make for economy and efficiency if the whole situation is reviewed by an expert Committee and a co-ordinated plan of expansion is prepared. The Committee will be purely advisory and the final decision will rest with the different groups. My suggestion is not without precedent. Some years ago we had a Committee appointed by Government to report on medical needs of Calcutta; the time has arrived to review the whole matter in the light of present conditions and future needs.

What is urgently required is a comprehensive survey of the existing conditions; a statement of present needs and an expert forecast of future needs for the next 5 or 10 years. Suggestions are also necessary

as to how best the present and future needs can be provided; whether by expansion of the existing institutions or by the establishment of new ones. It is also to be ascertained whether new lines cannot be started. In this connection the proposal for the establishment of a *Children's Hospital* which has been made and is being sponsored by the Hon'ble President at another place is worthy of consideration. An inquiry of this kind cannot be undertaken by anyone of the three interested groups. If it is to be fruitful of practical results, it must be undertaken by a Joint Conference. As Government, the Corporation and private institutions will retain their final decision in regard to matters under their control, the Conference must necessarily be advisory, but that need not detract from the value of its recommendations or from any suggestions that the Conference may make for the expansion of medical relief in the city. That expansion is required urgently admits of no doubt; that some of the existing medical institutions require remodelling has been admitted and I personally feel that there is a possibility of better results being obtained by a joint effort than by the different groups working in separate compartments without reference to each other. I trust that these considerations will appeal to my colleagues and that they will support me in the proposal I have made for the appointment of a Joint Conference to consider the whole matter.

Sir, at last I shall appeal to my *mufassal* friends. Many of my *mufassal* friends may think that as this is a matter for Calcutta they have nothing to do with it. I would therefore humbly remind them that Calcutta being the provincial capital, a large number of patients come to Calcutta almost every day for efficient treatment; and Calcutta not having the adequate number of beds in its hospitals, the poor patients have to be refused admission. For these humble and poor patients, I make this appeal and hope that it will not go in vain.

Rai Bahadur JOGESH CHANDRA SEN: I rise to give my whole-hearted support to the proposition put forward by my friend Dr. Dutt. The population of the city is always on the increase and owing to the all-round economic distress and poverty now-a-days not only the poor people but even the middle-class gentlemen now go to the hospitals for medical relief. But the accommodation now available is not enough. I am connected with a big hospital in the city and I can say the statement made by Dr. Dutt is literally true, and that he has rather not been able to say enough in the matter. The time has come when something should be done to remedy this, so that the poor and the distressed may not die in the streets of Calcutta like cats and dogs. Moreover, cholera and small-pox have come to stay in this city—I leave alone the question of the *mufassal*. I do not know whom we are to hold responsible for this state of things but the fact is that they have come to stay. Are we to take the situation quite philosphically and

accept it as inevitable. No, Sir. We refuse to allow people to die like cats and dogs in the streets and we earnestly request Government and the parties concerned to find out a remedy for this and start making necessary arrangements to meet the increased demand. With these words I whole-heartedly support the resolution.

Dr. Sir NILRATAN SIRCAR: I have the greatest sympathy with the proposal that has been brought forward by my friend Dr. Dutt. There is no question that the city requires more expanded medical aid. There are institutions here, Government as well as private, which are trying to do their best to help the people who are ill in this city, but still they find that the aid they are giving is quite insufficient. But, Sir, while agreeing with the object of Dr. Dutt, I find that the task is very heavy. His proposal is to have an advisory committee to advise Government not only upon the necessary expansion of hospital treatment in Calcutta but also upon the future development of the institutions that give such treatment and also to provide in the light of some quinquennial or decennial calculation for the necessities that might arise during the next 5 or 10 years. But this involves an appalling amount of statistical work. I find that it will be extremely difficult for the Government even with the help of an advisory committee to calculate from any one period the probable necessities for the next 10 or 15 years, considering that in our country diseases are not always stereotyped, that is to say, not always the same, and that there may be visitations of various diseases like small-pox, cholera and many others that may decimate our population. I do not really understand that part of the proposal, as to what calculations we should make for any period of 10 or 15 years from now, but apart from that, it is certain that there is room for expansion and that expansion is necessary. I think it is admitted on all hands that larger hospital accommodation is necessary for the sick populace in this city. Perhaps my friend has before his mind's eye some beds that might remain vacant in one hospital for certain days and perhaps he feels that those beds might be utilised for helping people who could not find accommodation elsewhere. He knows the reasons for such vacant beds, there may be various reasons and I need not dwell upon them here. If 5 or 6 beds are vacant in the Presidency General Hospital what is the use of my lamenting over that, as those beds could not be utilised for patients who are ill in the northern quarters and are not entitled to occupy them. In hospitals we have to maintain that sort of difference. I do not complain against different sorts of accommodation for various people in the different hospitals. For very good reasons the authorities of the Chittaranjan Seva Sadan cannot admit even ladies suffering from particular disabilities or diseases. Any lady who is suffering from any disease is not entitled to get admission there, even if there be beds

vacant. But as a matter of fact there never is any vacancy, accommodation there being granted to a larger number of patients than can be accommodated under the arrangements. If there are 100 beds there are always 120 patients, I believe, but that is a different matter. We require expansion and there is no doubt about it, but the question is even if a committee were to come to the conclusion that another 1,000 beds must be provided where is the money to come from, to provide them? What is the advisory committee to do under these circumstances? The chief difficulty in this matter has been the want of funds. Government as we all know cannot budget for a very large sum in this connection. Then, of course all honour to the Corporation, they are doing their best to help the sick and invalids in the city by whatever sum they can, but still in a large city though they may spend 6 lakhs a year perhaps a larger sum would be necessary for this purpose. Then we have to beg and then to borrow, and those who are connected with hospitals know how difficult it is to raise money. I am not, however, hopeless in this respect. I think there is a necessity for an investigation of this sort for the purpose of studying the facts. Statistics have got to be made out and studied and we must have a clear idea of the growing necessities of this city and generally of the growing necessities of the whole of Bengal in this connection.

As regards co-ordination and co-operation, I think it would be difficult for this House to form a committee in the centre for this purpose. This is a matter which is to be settled between the authorities of the different institutions concerned. No doubt Government make certain grants to almost all these hospitals, the Corporation also makes certain grants, but very much will depend upon the character of the co-ordination and co-operation which is sought and also upon the manner in which such co-ordination and co-operation is given. There would not be any difficulty so long as all the institutions had got the same basic ideas. They are all interested in the service of distressed humanity but that is one thing and the formation of a central committee to advise how co-ordination and co-operation can be brought about is a quite different thing. I therefore whole-heartedly agree with the object of studying the needs of the city and also studying the capacity of the machinery that already exists and that is growing every day progressively and that will go on growing for all time to come. I also believe in the study of the capacity of that machinery and I include in that huge machinery Government's efforts as well as those set up by the efforts of the people also. We must realise what we have to do and we must realise also in what direction we have to improve ourselves. All this is very desirable but then for a central committee consisting of a small number of representatives, from the Government, from the Corporation and from public institutions to settle this question, that is something which I do not understand. At this stage I think we should

try to help any infant institution that appears in this city for the service of humanity in this direction. If, however, the centre takes note of every one of them for the purpose of helping them, I think it would be a quite welcome step but that needs money. We cannot take any step forward in this connection without money. If my friend means that the advisory committee should have nothing whatever to do with money grants, but simply with advising how best to apply the money that has been already voted and is voted every year by the different authorities,—that they should simply advise on that point and do nothing else—then I think the Advisory Committee may find nothing on which to function.

If on the other hand they confined their efforts to the question of expansion, to the question of development in which I include the very important matter of research work in connection with diseases, I think their efforts should be quite welcome, and they will serve a purpose which will be to the benefit of the people of Bengal. So far as I understand the resolution, I think I should whole-heartedly support the proposal for constituting a body for the study of this important question. They should also be entrusted with the duty of finding ways and means for the purpose of carrying out any recommendations in connection with the expansion or development of a machinery for human relief; and I think that in this way Government will be able to do a great amount of good to the distressed people of Bengal. But if it is simply desired to try to co-ordinate the activities and bring about co-operation amongst the different institutions, well, I am afraid their efforts might end in nothing, because in that case the matter could depend more upon the parties concerned than upon the efforts of a single Central Council.

(At this stage the Council adjourned for 15 minutes for prayer.)

(After adjournment.)

Mr. P. BANERJI: Sir, it was rather amusing to find Rai Bahadur Dr. Haridhan Dutt moving a motion for the formation of a committee when he himself is of opinion that no useful purpose is served by having a committee like this when such a committee was proposed by my friend Mr. Ananda Mohan Poddar. He also in so many words, while speaking on his motion, praised the Calcutta Corporation for doing very useful work in this direction, but at the time of voting the other day he went into the Government lobby, saying that the Corporation were mismanaging things and therefore they must be gagged.

Rai Bahadur Dr. Haridhan Dutt says that he never said a word about medical relief. The Corporation has raised the figure from 2,50,000 to 9 lakhs, though it is not the duty of the Corporation to spend a farthing on this account, yet they have not increased the rate of taxes. It is the primary duty of every civilised Government to spend money on education and medical relief. Every one in this House

will bear me out when I say that the hospitals not only in Calcutta but in the whole of Bengal have not sufficient accommodation for the innumerable number of patients that come there every day. Therefore, it is the crying need to save the dying population of Bengal. I think the Europeans even will bear me out in this matter as also the Muhammadans that it is the crying need of the country now to make adequate arrangements for the relief of patients. I know from my personal experience and I hope my friends opposite will bear me out that whenever they send their domestic servants to the hospital, they cannot get admission unless they have special chits from their masters. I know also of cases where poor people who were refused admission were at the first instance asked to give a call to the medical officer in charge. They were told that only by this way they could get admission, and in fact by doing so they are admitted even on the same day that they were refused admission; that is the state of affairs in the Calcutta hospitals. The Hon'ble Minister accused the Corporation of misuse of public money, but I ask him how many lakhs of public money are misspent in his department in spite of Government audit? Now, Sir, unfortunately in this country there is no committee nor any body to sit in judgment over Government officials. Had there been a committee, I can say without fear of contradiction that matters would not have been as they are now. I would, therefore, whole-heartedly support the formation of a committee which would not only be an advisory committee but also a vigilant committee. It will give from time to time direction to the Government and to the Minister. Therefore, I would request the Hon'ble Minister to rise to the height of the occasion and accept the resolution. The only question, however, is the question of funds. Here also I must say that there is my Bill, the State Lotteries Bill, to help Government in the matter. You never feel for the suffering humanity. Ireland felt for it and in the very first year they spent Rs. 88 lakhs, while the Government here is only spending 48 lakhs although crores of rupees are needed. If it is not possible for Government to find money, some means must be found to get the money. Well, I know your scruples, but you must think of the suffering humanity first and then decide what to do. I can assure the House that if they will support my measure, the State Lotteries Bill, there will be no dearth of funds. With these words, I support the resolution.

Dr. AMULYA RATAN GHOSE: Sir, I also beg to support the resolution that has been so ably moved by Rai Dr. Haridhan Dutt Bahadur. The necessity of the people for hospital accommodation is very much on the increase now-a-days. Some 50 years ago the people were reluctant to go to hospitals, but now they feel inclined to go there either for want of money or it may be for the good results that are derived from hospital treatment in difficult cases which are not possible to be treated privately. That is also one of the reasons why people now

seek to get admission into the hospitals. As has just been said by my friend Mr. Banerji, the question of hospital accommodation is not a problem for Calcutta alone but also for the whole country. The hospitals were built some 30 or 50 years ago according to the necessities of the time, but now these hospitals cannot meet the increasing demand of the time; that is why more hospitals have become necessary. It is very necessary that any lapses in the management of the hospitals for which people cannot get admission into them should be very carefully looked into, and for that purpose if an advisory committee is suggested, there is not much wrong in it. Of course I do not think that the advisory committees, if constituted, will be able to remove all the difficulties that we now see, but after all it is a move in the right direction, and it is a move at least for the amelioration of the suffering people of Bengal. Sir, we have always heard, whenever the question of the amelioration of the suffering of the people comes up, the Government say that there is dearth of funds. But, Sir, we have seen that for political purposes the Government never feel the dearth of funds. Whenever there is the necessity of police, armed or military police, there is no dearth of funds. But as soon as money is required for humanitarian work and social reform or other causes which go to the preservation of the national wealth, Government say that there is dearth of funds. Sir, we cannot believe that people should be allowed to die in hundreds and thousands for dearth of funds. That is a thing which the people of Bengal can hardly tolerate. The lives of the people are most sacred and we are daily seeing how people are trying in vain to get themselves admitted into the hospitals and dying without any treatment. Such cases come to our notice in the course of our medical practice. We send poor patients to hospitals but they are brought back in the same ambulance car for want of accommodation in the hospitals. In the light of these things I think the resolution that has been moved by the Rai Bahadur is a very sound one and I whole-heartedly give my support to it.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I have been studying the resolution which has been moved by Rai Dr. Haridhan Dutt Bahadur, but unfortunately I was not present when he moved it. I hope he will excuse me if I do him any injustice. I find that in the shape in which it has been brought it is somewhat difficult to support this resolution. If it were a resolution calling upon the Government to frame a coordinated scheme for expansion of hospitals, I would have whole-heartedly supported it. If it were a resolution calling upon the Government to appoint a committee for the purpose of finding out ways and means merely for the expansion of hospital accommodation, I would have supported it. But there are certain words which give rise to a certain amount of misgiving, that is the proposal for co-ordinated quinquennial or decennial programme of work. Then he expects

this committee to suggest how the work and responsibility may be divided between Government, the Corporation and private effort. These are things which give me misgivings. I have a certain amount of wholesome suspicion of Government interference in Corporation and private effort for social welfare. I may be very wrong, but past history I hope justifies me in holding that view. So long as the Government come forward with proposals to supplement the work of these bodies with financial assistance or expert assistance or otherwise, I would welcome it, but when the Government take upon their shoulders the burden of co-ordinating the works of these bodies or of dividing the responsibilities between the several bodies, I rather feel that there is room for suspicion that the Corporation and the private bodies would be hampered in their work. I would leave to each body perfect freedom of development. I would do nothing which may possibly hamper that development. But, Sir, there is another difficulty. The methods of the Government and the other bodies who are acting in this line are somewhat different. Compare, for instance, the Calcutta Medical College Hospital with the other hospitals attached to educational institutions and hospitals supported by private efforts or Corporation assistance. You will find a good deal of difference. The difference consists not merely in better equipment but also in some cases in an enormous difference in expenditure, and that difference in expenditure is not necessarily such as promotes efficiency. The huge amount of money spent by Government in maintaining its medical staff in the present circumstances of the country is absolutely scandalous. On the contrary, the private hospitals are run on much more economical lines and I am assured on very high authority that so far as medical efficiency is concerned they are run as efficiently as Government institutions. When, therefore, there is a talk of co-ordination of the efforts of these bodies, I am afraid that there may be an attempt to force up the standard of these private institutions according to the lights of Government which, unfortunately, are not ours. I would therefore be willing to support any proposal which simply invites the co-operation of Government in expansion and development, in co-ordination and research and other scientific work; but it must be very clearly understood there is to be no interference. My friend, Dr. Dutt, thinks that the constitution of the body he proposes is a sufficient guarantee against the suspicion at which I have just hinted. I am not one of those people who think that a good constitution gives good results. This joint advisory body, consisting of three different bodies and three different sets of persons, will furnish a report. There may be dissentient reports of two groups and suppose Government accept the report of its own officers, as the body proposed to be constituted will only be an advisory one. I do not want to have the possibility of interference in the great work which has been done in recent years for the improvement of hospital facilities by the Calcutta Corporation

and by other public bodies. Subject to the remarks I have made, I am in full sympathy with the purpose of the resolution.

Babu KISHORI MOHAN CHAUDHURI: Sir, I whole-heartedly support the resolution moved by my friend, Rai Bahadur Dr. Haridhan Dutt. I have heard with attention the speeches of some of my honourable friends in which difficulties are anticipated as regards the constitution of a Joint Advisory Committee: to my mind, Sir, there is no difficulty. It is an admitted fact—or shall I say it is well known—that arrangements for medical relief in this vast city are not adequate. People from the *mufassal* come to Calcutta to take advantage of better medical facilities. Further, the city itself is growing in importance and population, and there is great necessity for the expansion of hospital amenities. This is very well known to all, and since there is such a necessity, I think that it is the primary duty of Government to see that the people committed to its care should live first: they should be saved first from disease and death: the protection of their properties, etc., should follow afterwards. The first duty of Government, to my mind, is to make proper arrangements—if need be in co-operation with others—for the relief and succour of the people, the majority of whom cannot make any private arrangements.

Sir, I could not follow the arguments put forward by my friend Dr. Nares Chandra Sen Gupta. He has said that he cannot support the resolution in its entirety but why then did he not put in an amendment? That is no reason why the resolution should be rejected.

Sir, so far as I can see, no harm will ensue by constituting a Joint Advisory Committee to prepare a co-ordinated quinquennial or decennial programme of work. Their first concern should be how the work could properly be carried out. If they think that the programme or scheme cannot be carried out at once, they should give it a fair trial for 5 to 10 years at the ouset. I am referring to the time limit given in the resolution and I have no doubt that during that time co-ordination could be implemented.

Sir, the Medical Department is within the portfolio of the Hon'ble Minister who is one of us (Maulvi ABUL KASEM: Everybody is one of us): I mean he is at least one of the elected representatives of the people. Further, he is personally very well acquainted with the medical needs of Calcutta. He was for several years in the Corporation—in fact he was an important and enthusiastic member of that body. He knows full well what should be done to help the people of this province. As a popular representative of the people I think that I should not be committing any sin if I were to suggest that if money were required or if funds had to be raised, he should start the campaign by contributing a handsome sum to begin with. He draws a very high salary, and if he were to give something substantial towards any

contingent fund, I have not the least doubt that others will come forward and pay their mite and swell it to a goodly amount. Besides it goes without saying that many bodies, such as the Corporation of Calcutta, etc., will join in the conjoint effort to make the scheme a success. Because a large sum is necessary, that is no reason why the proposal under discussion should be rejected or no attempt made. Let there be a committee for drawing up a scheme anyhow: the scheme can surely, with good will, be carried into effect. The Joint Advisory Committee will in any case be able to co-ordinate the efforts of the various medical institutions, charitable and other associations: they should be just like a clearing-house and make all necessary arrangements.

Sir, I submit that if it is admitted that something ought to be done, I have not the least hesitation in saying that money will also be forthcoming. If funds are available for building jails, etc., for dealing with the civil disobedience movement, then there is no plausible reason why funds should not be available for this nation-building purpose: if money can be found for implementing the whims of Government, no one will believe seriously in the plea of Government that there is paucity of funds.

Sir, the idea of the Rai Bahadur is a very laudable one and there should be no opposition from any quarter to his resolution being accepted. The Joint Advisory Committee is essential and is the pivot upon which the whole scheme rests.

Sir, if an appeal were issued to the medical institutions and other important bodies of this city, then a preliminary conference could be convened to clear the ground by way of spade-work. I am sure they will respond generously for the purpose of devising some ways and means and the manner in which the scheme could best be carried out.

With these few words, Sir, I support the motion before the House.

Maulvi ABUL KASEM: Sir, I give my entire support to the motion of my friend, Rai Bahadur Dr. Dutt. From the very able and argumentative manner in which he has placed his motion and all the facts before this House I thought that the motion would be accepted hands down; but I am sorry to find that opposition has come from very influential quarters. As a layman I cannot judge as to which party is right. This much I know and that is that the hospitals in Calcutta, at any rate, require a good deal of looking after. Sir, it is a common scandal that admission to the hospitals in Calcutta is secured by undesirable persons and that for a really poor sick man it is very difficult to get admission into a hospital, particularly the medical college hospital, unless the doctor in charge of the ward is at first propitiated by one or two private calls. I make this statement with a full sense of my responsibility. Sir, last year I had occasion to complain about the administration of

the Campbell Medical School hospital and I am glad, Sir, that Government took steps to remove the grievances I mentioned, and I gratefully acknowledge that there has been a good deal of improvement in that hospital, particularly in the surgical ward, where I know from personal experience that great care is taken and sympathy is shown to the sufferers, which was not the case before. It seems that the real point is that my friend, Dr. Sen Gupta, smells of Government interference in this matter if the resolution is accepted by Government. I fail to see any ground for the fear expressed by him. I do not understand what interference there can be in a matter of this kind where no politics is involved. It is neither civil disobedience or anything to do with the police, but it simply concerns the arrangements for the healing of the sick and the poor sick. I think, Sir, that it will be an advantage if the authorities of private institutions and of Government hospitals meet and discuss the ways and means by which the conditions of the patients can be improved. Sir, it has been said that hospitals require a great deal of expansion and that money is required for that expansion. But where is the money to come from? My friend, Mr. P. Banerji, can provide the Government coffers with several crores from lotteries, but even if that money is not accepted, there are other ways, namely by curtailing expenditure and other things. Money is not the only thing the mover has complained of. He has complained of the administration of these hospitals, that is how the work is carried on there.

There are at the present moment very eminently qualified medical men in this city who are willing to give their services to these hospitals to relieve the sufferings of their brethren, and I think that if Government give them facilities and if they are allowed to have their say a great deal of their grievances would be removed. Besides that, a large number of people would be better trained for work outside the hospitals. However, I think Dr. Dutt's resolution will receive the sympathetic attention of the Treasury Benches and some steps will be taken to satisfy his demand which is endorsed by a large section of the people who know the condition of Calcutta hospitals. My friend has appealed to the *mufassal* members because a large number of people come here from the *mufassal*. Therein I agree with him but there is one little grievance and this is that those who come to Calcutta without influence and money can seldom get admitted into any Government hospital.

Maulvi TAMIZUDDIN KHAN: I intend to speak a few words on this resolution as a *mufassal* member. The question raised by the Rai Bahadur is a very important one and it seems he felt a good deal of trepidation when he moved the resolution and therefore made a special appeal to the *mufassal* members for their support. I think he is labouring under a misconception as to the feeling of *mufassal*

members, in this matter. Calcutta belongs to the *mufassal* members as much as to the people of Calcutta. We *mufassalites* are as much proud of Calcutta as the Calcutta people themselves and we are as much ashamed of its short-comings as the people of Calcutta are. Therefore my friend need not be at all apprehensive of any want of sympathy on the part of the *mufassal* members so far as his resolution is concerned. Unfortunately, however, the laudable object of the resolution has been rather marred by the manner in which he has chosen to frame it. The defects of the resolution have been pointed out by Dr. Naresh Chandra Sen Gupta and Sir Nilratan Sircar. I think these are defects which should engage the serious attention of members of this House and I am also afraid that in the present form the resolution is hardly acceptable. But that I think is no reason why the purpose of the resolution should not be fulfilled; because even if the resolution is carried it lies with the Government either to accept it or to reject it. Even if it cannot be accepted in the form in which it has been presented, I think Government may very well accept the object of the resolution and if Government is really sincere then this is a very good opportunity to take up the question and try to improve the condition of the hospitals, which admittedly stand in need of attention on the part of Government. I do not like to add many more words. I think the Hon'ble Minister in charge of this department who is always sympathetic about these things will seriously consider the question and try to evolve a scheme whereby the defects pointed out can be remedied——

Rai Bahadur Dr. HARIDHAN DUTT: May I know what are the defects that have got to be rectified?

Maulvi TAMIZUDDIN KHAN: I do not like to point out those defects once again. I think if Dr. Dutt was present in the House when Dr. Naresh Chandra Sen Gupta and Sir Nilratan Sircar spoke he must have been aware of the defects which were pointed out by these two speakers. It would simply be a repetition if I were to enter into those things once again.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, at the outset I may assure the hon'ble mover that Government have got every sympathy with the underlying principle of the resolution. Co-ordination and co-operation for the improvement and expansion of hospitals is certainly a very desirable object. It is a fact that different authorities in Calcutta at present work for medical relief in their own way. Government themselves have got their own establishment; they maintain a large number of hospitals and spend nearly 20 lakhs of rupees on the State hospitals in Calcutta. The Calcutta Corporation, too, try to afford medical relief to the citizens of Calcutta in their own way, and I am glad to admit, as I have said more than once before, that

since the advent of the present Corporation their endeavour in this direction has greatly increased. It is a fact that the Corporation has been expending during the last few years an increasingly larger sum on medical relief and they are trying to do, if not all that they should, at least to a very large extent, to solve the problem. There are other private institutions which also work in their own way and endeavour to offer medical relief to the citizens of Calcutta but all these authorities are working with the same object without any reference to one another. The Corporation, I believe, make regular contributions to many hospitals or institutions for medical relief established in this city. But there is neither co-ordination nor co-operation between the several authorities. It would certainly be an ideal state of affairs if these different authorities could pool their resources together and evolve a plan, according to which they could improve the different hospitals and provide beds adequate for the needs of the city. As a matter of fact, Government's expenditure on medical relief has increased considerably during the last 10 years; from the region of 37 lakhs it is now nearly 52 lakhs to-day. So it cannot be said that Government has been unmindful of the problem. A major portion of this amount is spent on the Calcutta hospitals like the Medical College group of hospitals, the Presidency General Hospital and other hospitals under Government management. Dr. Dutt has given us certain figures and tried to prove therefrom that the number of beds in hospitals in Calcutta is adequate and that only 80 per cent. of them are occupied, but that for want of co-operation and co-ordination there is always this chronic want of accommodation in the hospitals in Calcutta. But I may submit that it is not merely a matter of arithmetic; it is not merely a matter of statistics even. There are certain days on which perhaps cent. per cent. of the beds are full, while there are days also on which extra beds are provided for in the Government hospitals. Of course there are certain slack seasons when some beds are unoccupied, and the average which my friend has given is based on such calculations. Over and above this, there are particular beds and wards for particular diseases and a man suffering from cholera cannot get admission into a ward reserved for small-pox cases. In the months of April and May the Cholera ward in the Campbell Hospital is fully occupied and naturally there is greater pressure and patients have got to be refused admission beyond a certain limit, since they cannot be admitted into any other ward which may happen to have some of its beds vacant. So it is not a matter of mere arithmetical calculation as my friend Dr. Haridhan Dutt seems to think.

Rai Bahadur Dr. HARIDHAN DUTT: I have not included infectious diseases in my calculation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a general remark only and I am only trying to illustrate it by reference to a particular disease or a particular ward.

Dr. Dutt himself admits, or rather has quoted from the remarks of the Surgeon-General in connection with a debate at the Rotary Club, that the Medical College group of hospitals were built 100 years ago and that they required remodelling and improvement. It is so, Sir, but as has been pointed out by Sir Nilratan Sircar, improvement and expansion require money. As the House is fully aware this is not the time for expansion or improvement in any new direction, however important that direction may be. In the other departments of Government the pruning knife of my hon'ble colleague the Finance Member has been freely applied, but in this department I am very much pleased to say that it has been successfully resisted. I cannot therefore ask my hon'ble friend to come forward with an additional contribution for the improvement and expansion of hospitals at the present moment.

The Rai Bahadur has suggested in his resolution that there should be a committee appointed to draw up a quinquennial or decennial programme of work with rough estimates of cost, for future expansion and development in the matter of medical relief. Sir, we are passing through a situation financially abnormal and any programme of work that may be drawn up now would be absolutely out of date 5 years hence; so it would be a useless waste of time and a useless waste of energy too, to prepare a programme now. If there were the least prospect of any programme being given effect to in the near future, certainly I would have welcome such a committee.

Then, there is another problem. Any offer of co-ordination and co-operation from Government will not inspire co-operation in the mind of persons or bodies responsible for medical relief in Calcutta. Supposing there is a suggestion from Government that the authorities of the different private hospitals in Calcutta, and the Corporation should pool their resources together and try to solve this problem: is there any prospect of their agreeing to such a common programme? My experience says "No."

There is also another most important problem with which the Government is faced at the present moment and it is the problem of nursing in Calcutta. What is the biggest problem in connection with our hospitals to-day? It is the want of nurses. There was an Inquiry Committee appointed some time ago, of which my friend the Rai Bahadur was a very active member. That committee has just reported and very likely in the near future I shall have to come up—if that programme is approved by Government—for additional contributions for improvement in nursing, subject of course not without the approval

of the Finance Member and other Members of Government. Sir, most of our hospitals are under-staffed with regard to nurses, and if I may confess the Hospital Nurses' Committee have condemned even the Medical College group of hospitals in this respect. How is this problem going to be solved? Merely by co-ordination? We cannot improve anything without making additional provision for nurses. Mere supply of money will not do; we want money and we want competent nurses too. Sir, Government's policy in recruiting nurses from the Anglo-Indian and European communities has been constantly criticised, but my friend the Rai Bahadur himself knows the difficulties of recruiting nurses from the Indian community on account of our social condition. The difficulties are almost insuperable, but I hope, fervently hope, that in the near future, with the changing times, superstition and prejudice will disappear and recruitment of nurses from the Indian community would be possible and all our difficulties will vanish very quickly, but that is yet to come. Sir, the number of beds in Calcutta hospitals has increased enormously during the last few years. In the Medical College hospitals alone the number has increased by 300 during the last 6 or 7 years. But the number of patients has increased by several times. So that is a problem which cannot be easily solved.

Dr. Ghose said that it is not only a Calcutta problem but that "it is felt throughout the length and breadth of the country"—I am quoting his words—and that there are difficulties of hospital accommodation. Sir, I join issue with him there: that is not a fact. In *mufassal* hospitals we seldom find all the beds occupied. There is a constant pressure on Calcutta hospitals, but it is not so in the *mufassal* hospitals; that is because the standard is not the same—the standard is unfortunately much lower—in the *mufassal* hospitals and if we could level them up, perhaps the pressure on the Calcutta hospitals would be reduced to a certain extent. But this also is a question of money and it cannot be done merely by a pious wish. In this view of the matter I would request the hon'ble member to withdraw the motion. I may repeat that the Government have every sympathy with the underlying principle of the resolution and when this abnormal situation disappears, Government will certainly make an effort irrespective of the chances of success to bring about co-operation and co-ordination amongst the different authorities in charge of different hospitals in Calcutta and achieve the object which the resolution has in view. But at present it will be sheer waste of time and energy on the part of Government as well as on the part of the authorities of the different institutions. Government have not enough money, neither I think the Calcutta Corporation is in an affluent condition. With these words I would ask the hon'ble member to withdraw his motion.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, in rising to reply to the speeches delivered against my resolution, I must first express my

grateful thanks to those who have extended their sympathy to it. I am proud of the fact that the principle underlying my resolution has practically found unanimous support from the House, though some members have been unable to support the resolution as it is. I would request my critics to consider that there cannot be anything absolutely right or correct. I do admit that there are defects in connection with this resolution, but some of my friends have forgotten that whatever may be our goal or ideal, a beginning has to be made some day. My friend Sir Nilratan Sircar, for whom I have the highest respect, will perhaps kindly admit that if arrangement for hospitals in Calcutta has to be improved, preliminary steps should be taken at once. Some of my friends ask—where is the money to come from? My philosophic friend, Dr. Naresh Chandra Sen Gupta, who always brings much more philosophy to bear on these questions than is necessary, also asks the same question. May I ask Sir Nilratan Sircar—where did the money come from when the Belgachia Hospital was started? What was the position in those days? Did anybody realise that that institution would be so successful in 25 years' time? (A VOICE: Will you beg?) My friend asks—shall I beg. Well in many cities there are magnificient hospitals which owe their origin and existence to begging. I wish I could say the same thing about Calcutta. If you can provide more hospitals for the sick in Calcutta by begging, do so by all means. There is nothing to be ashamed of in begging for such a cause.

Sir, I must express my gratitude for the manner in which my resolution has been reviewed, but I find great difficulty in accepting the advice of the Hon'ble Minister. Supposing I withdraw the resolution, what will happen? The matter will be forgotten. It is admitted that there is necessity for action in connection with our hospitals and one day that must be taken up. So why not make a beginning now? Why not do the spade work at once; collect statistics and various informations necessary for correct methods being devised. I do admit that the Government suffers from financial stringency at the present moment, and we cannot expect much assistance from them. That is why you, Sir, are trying to raise money in other ways for the children's hospital. Is that not begging—begging the footballers to subscribe for the children's hospital? That is not a thing to be ashamed of. I once more appeal to the Hon'ble Minister to organise a committee to do the preliminary work. That is my reason why I cannot accept the request of the Hon'ble Minister. Otherwise I would have been very glad to fall into line with his suggestion.

The motion being put a division was called.

After Mr. President had declared for the second time that the "Ayes" had it, the Hon'ble Minister drew his attention that he had claimed a division.

Mr. PRESIDENT: I think I clearly made a very serious mistake. If my judgment were to be guided by the cries of "Aye" and "No," I certainly should have given my verdict for this side (right) and I very inadvertently did the wrong thing in declaring that the "Ayes" had it. Now that the Minister claims a division I ask the House to divide.

Mr. P. BANERJI: On a point of order, Sir. Can the Hon'ble Minister call for a division when you declared for the second time that the "Ayes" had it?

Mr. PRESIDENT: When a President really feels that he has made a mistake and that his conscience pricks him if he sticks to the judgment he has delivered, I think he can always rectify his mistake.

The House then divided with the following result:—

AYES.

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Kasem, Maulvi Abul.
Maiti, Mr. R.
Rout, Babu Hossini.
Ray, Babu Jitendra Nath.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Jogesh Chandra.

NOES.

Afzal, Nawabzada Khwaja Mahammad, Khan Bahadur.
Ashworth, Mr. C. G.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Bose, Mr. S. M.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Edgley, Mr. N. B. A.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Kawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ferguson, Mr. B. H.
Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdulkerim.
Gilchrist, Mr. R. B.
Gladding, Mr. D.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Khan, Khan Bahadur Maulvi Mozzam Ali.
Khan, Mr. Razzar Rahman.
Khan, Maulvi Tamizuddin.
Lockhart, Mr. A. R. E.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. W. H.
Nicholl, Mr. C. K.
Philipot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Prentice, the Hon'ble Sir William.
Ray, Babu Amulyadhan.
Ray Chowdhury, Babu Satish Chandra.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. S. N.
Roy Choudhuri, Babu Hem Chandra.
Sarkar, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.
Sommer, Mr. C. H.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 11 and the "Noes" 57, the resolution was lost.

Resolution regarding Narayangunge Municipality.

Mr. ANANDA MOHAN PODDAR: I beg to move that this Council recommends to the Government that the number of commissioners of the Narayanganj Municipality be increased from 12 to 21 to give adequate representation among all the various interests of the ratepayers and residents of Narayanganj.

Sir, this resolution is intended to remove a long-standing grievance of the people of Narayanganj in the matter of their representation in the Narayanganj Municipal Board. Since 1876, the year in which this Municipal Board was first created, its number of commissioners has been 12, of which 8 are elected.

Of the 117 municipalities of Bengal, Narayanganj occupies the sixth place on the top with respect to income and population. But strange to say that in respect of the representation of its citizens in the Municipal Board it occupies a place which is not at all equitable. The Bengal Municipal Act prescribes the maximum number of commissioners to be 30 and the minimum 9 and by a strange irony of fate, the number of commissioners of the Narayanganj Municipality has always stood at 12. A glance at the comparative statement of the income, population and the number of commissioners in the different municipalities of Bengal, as published in the *Calcutta Gazette*, dated the 15th January, 1931, will convince the honourable members of this House of the hopelessly inadequate representation of the citizens and ratepayers of Narayanganj. I am tempted to cite here a few instances from the above-mentioned Government report to show how Narayanganj suffers, in comparison to other municipalities of Bengal, from a standing injustice of inadequate and insufficient representation.

(*a*) There are about 35 municipalities in Bengal in which the number of commissioners is similar to that of Narayanganj, *i.e.*, 12. But the income and population of Narayanganj is in all cases far greater than that of any of them. The income of these municipalities varies from Rs. 4 thousand to 60 thousand; while the income of Narayanganj is about 2 lakhs. In the case of 19 among these 35 municipalities the population is even less than ten thousand, the minimum being 2,305 at Birnagar, while at Narayanganj the population is more than 33 thousand.

(*b*) The municipalities in which the representation is more than 12 but less than 20 are about 40. In respect of population they vary from 3,765 in Kumarkhali to 29,938 in Hughli-Chinsura. The income in every case is again much less than that of Narayanganj.

(*c*) Of the municipalities in which the representation varies from 21 to 25 their number is 7. The population in this group is less than

thirty thousand in every case, viz., Berhampur 26 thousand, Pabna 19 thousand, Rajshahi 24 thousand, Barisal 26 thousand, Krishnagar 22 thousand, Bally 23 thousand and Dinajpur 18 thousand. The income also in all these cases is much less than that of Narayanganj. Thus the condition in respect of population and income of these municipalities is somewhat inferior to that of Narayanganj. Is it not strange enough that, while these municipalities, though occupying an inferior position, enjoy representation varying from 21 to 25, Narayanganj must remain satisfied with only 12 commissioners for ever?

Sir, the basic principle of democracy is "no taxation without representation" and though Narayanganj pays the maximum rate of municipal taxes, is not this inadequate representation a denial of the lofty ideal of democracy? As has been said before, this Municipal Board was created more than half a century ago with three wards and 12 commissioners, of which 8 are elected and 4 nominated. Twelve representatives might have been considered proper in 1876 on the basis of the census figures of 1872 when it was only 11,377. At the end of the last century the population was double that of 1876, namely 24,472, according to the figures of 1901. But still there was no change in the strength of representation. The population went on increasing in the meantime. In 1911 it was 27,872, in 1921 it was 30,602. At the last census it has reached about 34,000. Thus though the income and population, commerce and trade as well as the general importance of the place have enormously increased, the strength of its representation on the Municipal Board has not been raised.

Next to Dacca and Chittagong, there is no other town in Eastern Bengal to compete with Narayanganj. It is rightly called the gate of Eastern Bengal and is connected with different parts of Bengal and Assam by the Eastern Bengal and Assam Bengal Railways. Being in the proximity of a number of big rivers it possesses an excellent climate and people flock to this place to recoup their shattered health. The good number of educational institutions and the large society of educated public bear testimony to its cultural attainments. Thus considered from all angles, Narayanganj deserves better representation on its Municipal Board, so that it may develop its civic life at equal space with its other attainments.

Sir, this inadequate representation has long been the cause of growing discontent amongst the ratepayers and citizens of Narayanganj. They have been agitating for the removal of this grievance for a long time and even of late, a largely attended public meeting as well as the Narayanganj Mahâjan Sabha and the Bar Association unanimously carried resolutions requesting the Hon'ble Minister to increase the number of commissioners at an early date.

Sir, the existing division of wards, as well, extends over a very large tract and the representation in each ward is as meagre as possible. The ward commissioners find it too unwieldy to be acquainted with the needs and grievances of all the *mahallas* in the ward. In each general election there is a great rush of suitable candidates, but most of them have to go back disappointed from the polling booth. The rush of electors often becomes so great that polling has to be continued till the small hours of the morning.

Sir, at one time, though no sign of it is now traceable, Narayanganj was called the model municipality of Bengal. Its sanitary arrangements, its water supply, its clean roads and streets and the handsome houses, all together made the epithet model municipality a fit and proper one. But those days are long gone by and to my mind it seems certain that the cause of its deterioration is the cramping of public spirit due to inadequate and inequitable representation.

Sir, before I conclude I must refer to another injustice that has been recently done to the ratepayers of Narayanganj. The passing of the new Bengal Municipal Act has widened the proportion of elected seats in the municipalities of Bengal. But Narayanganj has been deprived of that privilege—as it has been declared as an industrial area and the proportion of nominated seats increased thereby inspite of the protests of its citizens. Moreover, the Europeans are given all the four nominated seats in early term, notwithstanding their capturing some of the elected seats through their nominees.

I hope, Sir, I have made a sufficiently strong case for the increment of the number of commissioners of the Narayanganj Municipality. I hope the Hon'ble Minister will kindly take up the matter at once and do us justice that is long overdue.

Mr. A. R. E. LOCKHART: Sir, I rise on behalf of my group to oppose this resolution. I understand that the mover will withdraw it, but I should like nevertheless to make a few points. If a thing is bad, then there is a case for a change though opinions may differ as to the extent and the method of the change required: if conditions are good, however, I submit there is no case for a change. Narayanganj Municipality is an extraordinarily efficient and well-conducted body. Perhaps it is hardly the place, in a democratically elected assembly, to point out what we think to be the reason for this efficiency but we think that it is efficient because it is a small and compact body. We cannot over-estimate the good points and the value of having small and compact bodies to deal with municipalities, and, at the moment, such is the Narayanganj Municipality. We therefore would not like any change to be made. There are many examples of small and compact bodies, being more efficient in getting through a large volume of work, for example, the Calcutta Improvement Trust

and the Port Trust. The ratepayers are well served by the present Narayanganj Municipality, and, so far as my information goes, there is no complaint on this score. In these days it is only too difficult to find men with time and leisure to devote themselves properly to municipal affairs. The danger of an increase in the number of commissioners is that it would simply provide an opportunity for the lilies of the field to step in and overcome the workers for the number of workers is all too few. If, however, our protest does not find favour with the Government and it is proposed to increase the number of commissioners, then we ask that the proportionate representation of the Europeans be maintained.

Mr. NARENDRA KUMAR BASU: What is the present proportion?

Mr. A. R. E. LOCKHART: It is, I understand, 4 out of 12. If this resolution is accepted, which we hope it will not be, then we ask that the number be increased to 7 out of the proposed 21. This claim I do not think requires my advocacy. European interests in Narayanganj are very large, and although the number of Europeans there is comparatively very small, I do not think any one who knows Narayanganj will deny that they have pulled their weight in the affairs of the municipality. Narayanganj appears to me as one of the best examples of co-operation between European and Indian commissioners. I, therefore, appeal to the Hon'ble Minister not to run the risk of dispelling this happy state of affairs. If, however, the Hon'ble Minister accepts the resolution, then we ask that the proportion of European commissioners be maintained. With these words, I oppose the resolution.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are aware that there is a considerable feeling amongst the Indian rate-payers of Narayanganj that the number of seats on that municipality should be increased in view of the fact that the amount of rates paid, the population and the general improvement of the town have considerably increased since it was fixed in the early eighties. At the same time Government are also aware—as Mr. Lockhart has informed the Council—that Narayanganj is a very efficient municipality; but I do not think that Government can accept that as the sole criterion of maintaining the present number of commissioners. Efficient that municipality certainly is; there are other bodies which are equally efficient or perhaps more efficient because of the small number of commissioners; but we must also pay considerable attention to the demands of the rate-payers for an adequate representation. I may inform the House and the mover of this resolution that Government have not yet come to any decision one way or the other. We

are consulting the local officer; as a matter of fact the Secretary to the Local Self-Government Department has already written to the Divisional Commissioner, asking him to find out what the exact position in Narayanganj is and what the views of the local officers are. Sir, if it is decided to increase the number of commissioners, Government will certainly take into consideration the European interests in Narayanganj. Narayanganj owes its prosperity very largely to the Europeans and to the trade and commerce introduced into that place by the Europeans. I think what I have said should satisfy the mover of the resolution and he would withdraw it, because I am not in a position to accept the resolution to-day without consulting the local officers and without considering the local opinion. Government must come to a decision on facts. Under the old Act, Government could not take any initiative: suggestions had to come from the commissioners or the municipalities, but under the new Act they can take the initiative. There is no reason however why Government should take the initiative without consulting the local officers and the local opinion. On these grounds, Sir, I would request the mover of the resolution to withdraw it.

The resolution was then, by leave of the House, withdrawn.

Resolution regarding Revised Rules for Granting Pensions.

Maulvi SYED MAJID BAKSH: I beg to move that this Council recommends to the Government to sanction the necessary sum for giving effect to the revised rules for granting pensions to officers in the inferior service including process-servers (as admitted by the Secretary to the Government of Bengal, Judicial Department, in his speech in this House on the 29th July, 1931).

Sir, this is not the first time that I have brought up this proposition before this House. The solicitude with which it has been received by my friends here will stand guarantee for that; but this time I am not confining myself to the process-servers alone but to the inferior service of Government. Sir, as you know, in other countries there are old age pensions but there are no such pensions here. Therefore these poor people who serve Government throughout their lives on very meagre pay can hardly manage to make their both ends meet even during the period in which they continue in service and they are practically on the verge of starvation in old age. I know that objections would be raised on account of the paucity of funds. I admit that our Government is living on borrowed money. But if money for all other purposes can be obtained, I certainly think that for this laudable object the necessary sum could be obtained. I do

not think that it would require a very large sum. The special necessity for it has been admitted by men who have an authority to speak on the subject. I hope that the small provision I ask for these poor men will receive sympathetic consideration at the hands of the members of this House and also of the Hon'ble the Finance Member. With these few words I submit this proposal for the consideration of the House.

Maulvi Abdul Hamid Shah spoke in Bengali in support of the motion.

While the Maulvi Saheb was addressing the Council, Rai Jogesh Chandra Sen Bahadur inquired whether there was a quorum.

On a count being taken, it was found that there was a quorum.

The following is a translation of Maulvi Abdul Hamid Shah's speech:—

Mr. President, in supporting Maulvi Syed Majid Baksh's resolution, I need not deliver a long speech. For, the resolution merely requests Government to carry into effect the assurances of the Secretary to the Government of Bengal, Judicial Department, regarding the pension of process-servers and other menial officers, given in this Council Chamber on the 29th July, 1931. I have only a few things to say in this connection. Firstly, considering their lifelong service to the Judicial Department and the responsible nature of the work done by them, no one can deny that their pay is very low. The point of increasing their pay will be out of place in these days of economic crisis. They have been assured by Government in regard to the question of their pension —the last stay of their life after having worked all their lives on such meagre pay. But it is to be regretted that they are still left in doubt and darkness. We draw the attention of Government to this matter so that they may not be disappointed of the hopes held out by the Secretary. If this case is not considered on the plea of economic stringency, I would say that no excuse is made during the annual budget-session in sanctioning lakhs of rupees for the police which is under the executive; but lots of excuses are made when the question for consideration is the pension of process-servers and menial officers who render important help to the carrying on of the work of the Judicial Department.

The second point which I mention with regret is that these menial officers are deprived of the generosity not of Government only. When the mover moved this resolution, the hon'ble members who have come to the Council as the representatives of the people and who profess to be friends of the poor, left the Council Chamber all on a sudden and the work of the Council came almost to a stand-still for want of quorum. While thanking the members who are representatives of the poor, I second the resolution of Maulvi Majid Baksh.

The Hon'ble Mr. J. A. WOODHEAD: Sir, the resolution, as the mover has said, is an old one and matters relating to process-servers seem to come up very regularly in this Council. I was also rather surprised to notice that in spite of the fact that the Council has at times stressed very strongly the necessity for retrenchment, there should be on the agenda paper 8 resolutions on this particular subject, all advocating a considerable increase in expenditure. Certain members of the Council sometimes take the view that retrenchment must be the order of the day and at other times seem to favour an expansion of expenditure inspite of the unfortunate fact that no money is available. The position as regards this particular matter is quite simple. The rules for giving better pensionary rights to process-servers and inferior servants in general——

Rai Bahadur JOGESH CHANDRA SEN: Sir, I am afraid there is no quorum.

Mr. PRESIDENT: I refuse to have a count again.

The Hon'ble Mr. J. A. WOODHEAD: Sir, as I was saying, rules for giving better pensionary rights to process-servers and inferior servants in general were provisionally approved by Government in 1929 but they have not yet been introduced because the financial position renders such a course impossible. The additional expenditure is difficult to calculate but it must be considerable in amount and no matter how we may wish it or how the members of the Council may think it right that the pensionary rights of these individuals should be improved, it is impossible in these days of financial stringency to justify the incurring of increased expenditure. Therefore, Sir, I oppose this resolution not because of any objection to the rules provisionally approved in 1929 but because the additional expenditure involved cannot be justified during the present state of financial stringency. It is absolutely impossible for Government to find the money for this additional expenditure.

On the motion being put a division was taken with the following result:—

AYES.

Bakshi, Maulvi Syed Majid.
Banerji, Mr. P.
Chowdhury, Maulvi Abdul Ghani.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hussain, Maulvi Muhammad.
Khan, Maulvi Tamizuddin.
Mallik, Mr. R.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Nagendra.
Shah, Maulvi Abdul Hamid.

NOES.

Ahsan, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Banerji, Rai Bahadur Kushab Chandra.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Burn, Mr. H. N.
Chowdhury, Maji Badi Ahmed.
Dain, Mr. G. R.
Das, Rai Bahadur Satyendra Kumar.
Edgley, Mr. H. G. A.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ritchrist, Mr. R. R.
Gladding, Mr. D.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Kasem, Maulvi Abul.
Khan, Mr. Razaur Rahman.
Lockhart, Mr. A. R. E.
Mitter, Mr. G. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mitter, Mr. S. C.
Momin, Khan Bahadur Muhammad Abdul.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. W. H.
Philpot, Mr. H. G. V.
Prentice, the Hon'ble Sir William.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. S. N.
Sarkar, Rai Sahib Rohati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. R. R.
Sen, Rai Bahadur Jogesh Chandra.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The "Ayes" being 12 and the "Noes" 39, the motion was lo

Resolution regarding Economic Conditions of the Province.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that this Council recommends to the Government to take immediate steps for the improvement of the economic conditions of the province.

Sir, the economic condition of Bengal includes many things. It is a very comprehensive term but with the progress of this special branch of the social sciences we are to-day more or less definite about our economic conditions, and being thus definite about our economic conditions I pray for this improvement with the help of Government, because I know that without the co-operation and help of Government we cannot expect to succeed. I also maintain that every civilised government is under a moral obligation to improve the economic condition of the people whom it politically rules. Sir, in the modern world economics is three-fourths of politics; politics without economics we cannot think of.

Sir, in this resolution I shall confine myself to two points in considering the economic conditions of Bengal. What is Bengal? According to the modern conception, and I may be pardoned if I say the most modern conception, Bengal is the *raiyat* and the *raiyat* is Bengal. The *raiyats* comprise more than 80 *per cent.* of the population of Bengal.

(As there was no quorum present in the House the member resumed his seat.)

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 14th August, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 14th August, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 98 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

"P. R. T." in Jail Code.

***28. Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state what is meant by P. R. T. when used by the Jail authorities with regard to the transfer of prisoners from one jail to another?

(*b*) How many such prisoners have been transferred to the Dinajpur Jail in 1932-33?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) The member is referred to rule 551 of the Bengal Jail Code which explains the term P. R. T. It means Police registered prisoners who are to be transferred to the districts in which their houses are situated before release.

(*b*) 18.

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state whether all the prisoners are registered in the Police register if they are transferred to their own districts?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already answered that question.

Maulvi HASSAN ALI: What is the principle underlying in registering these prisoners, when they are released in their own districts, in the Police register?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would like to have notice of that.

Appointment of depressed class people in Civil Courts, Noakhali.

*27. **Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the minimum qualification for the post of clerks in the offices of the District Judge and Munsifs;

(*ii*) the total number of appointments made in each of those offices of the Noakhali district during the period from January, 1932, to June, 1933;

(*iii*) the number of appointments given to the members of the depressed class Hindus; and

(*iv*) the percentage of present incumbents from the depressed class Hindus in each of those offices to the total number of posts?

(*b*) Is the Hon'ble Member aware that there is a number of matriculate, undergraduate and graduate candidates from the depressed class Hindus in the Noakhali district?

(*c*) Is the Hon'ble Member aware that the District Judge of Noakhali invited applications from graduates only for the post of clerks in his office and that appointments were made by competitive examination?

(*d*) Is the Hon'ble Member aware that the members of the depressed class Hindus could not stand competition with the members of the other communities in the said examination?

(*e*) Are the Government considering the desirability of setting apart a percentage of these appointments for qualified candidates of the depressed class Hindus?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) (*i*) Such appointments are made under the Civil Courts Act which does not prescribe any minimum qualifications.

(*ii*) Five permanent and two temporary.

(*iii*) One.

(*iv*) 2·7 per cent.

(*b*) There were only three candidates from the depressed classes, two graduates and one undergraduate.

(*c*) Applications were invited from graduates but one vacancy was set apart for a candidate from the depressed classes.

(*d*) The one candidate from the depressed classes did not do well in the test.

(*e*) No. The Government policy has been set forth in the Appointment Department memorandum No. 3540-53A., dated the 28th April, 1931, a copy of which will be found on the Library table.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to give reasons why the percentage of such appointments for qualified candidates from the depressed classes should not be reserved, in view of the fact that such percentage is reserved for Muhammadan candidates?

The Hon'ble Sir WILLIAM PRENTICE: I would only refer the hon'ble member to this memorandum, which is a lengthy one and describes the policy that has been adopted. I think that only in two districts have we directed only a certain number of appointments to be set apart for depressed class candidates and in other districts general instructions have been given to officers to take into consideration the claims of the candidates from the depressed class when making their selections.

Electric current supply in Dacca.

***28. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Commerce Department aware—

(*i*) that the charges for the electric current supply in Dacca are very high;

(*ii*) that there has been constant demand from the consumers for lowering them; and

(*iii*) that the Electric Supply Company are taking no action on the demand of the consumers?

(*b*) Are the Government considering the desirability of taking such action as will result in bringing the charges within the reach of all sections of people and contribute to larger consumption of electricity in Dacca?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) (*i*) The member is referred to the answer to unstarred question No. 69 asked in this Council on the 30th July, 1931.

(*ii*) Government have received no complaint from the general public.

(*iii*) The Directors of the Dacca Electric Supply Company have recently sanctioned an increase in the rebate from ·5 annas to 1 anna per unit on all bills for energy supplied for lights and fans if the bills are paid within 14 days from the date of presentation. This order will take effect from the 1st October, 1933.

(*b*) In view of the fact stated in the answer to (*a*) (*iii*) above, Government do not propose to take any action.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to inform the House how 5 annas to 1 anna is an increase?

The Hon'ble Mr. J. A. WOODHEAD: I am afraid the hon'ble member did not listen to what I said. I said ·5 annas.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether or not his attention has been drawn to the complaints against the Dacca Electric Supply Company which have been published in Calcutta newspapers?

The Hon'ble Mr. J. A. WOODHEAD: When, Sir?

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Member aware whether or not great dissatisfaction prevails among the European population of Dacca?

The Hon'ble Mr. J. A. WOODHEAD: No, I have not heard about it.

Moslem police officers at Midnapore.

*29. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing, district by district,—

(*i*) how many Deputy Superintendents and confirmed Inspectors of Police are there at present in the Burdwan Range, especially in the Midnapore district;

(*ii*) how many of them are Muhammadans; and

(*iii*) how many of them are Hindus?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) what is the reason for the inadequate representation of the Moslem officers in the Police Department in the Burdwan Range, especially in the Midnapore district; and

(*ii*) why the Moslem police officers from other districts are not transferred to the Burdwan Range, especially to the Midnapore district, to ensure a fair and adequate representation of Moslem officers there?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) A statement is laid on the table.

(*b*) (*i*) The number of Muhammadan officers in the Burdwan Range and specially in the Midnapore district is not considered inadequate. Postings of officers are not generally made on communal considerations.

(*ii*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 29, showing the present number of Deputy Superintendents and confirmed Inspectors in the districts of the Burdwan Range.

District.	Deputy Superintendents.			Confirmed Inspectors.		
	Total.	Hindus.	Muhammadans.	Total.	Hindus.	Muhammadans.
Bankura . ..	..	..	..	1	..	1
Birbhum . ..	..	..	.	3	3	..
Burdwan	1	1	..	6	4	1
Howrah	1	..	..	10	8	..
Hooghly	1	1	..	8*	6	..
Midnapore	3†	3	..	9	5	2
East Indian Railway ..	..	..	..	6	4	..
Total ..	6	5	..	43	30	4

* Excluding 1 European Inspector who is on leave preparatory to retirement.

† Including one for the Hijli Detention Camp.

Maulvi ABDUL KARIM: Will the Hon'ble Member be pleased to state why the number of Muhammadan officers in the Burdwan Range is not considered inadequate, while out of 6 Deputy Superintendents there is not a single Muhammadan and out of 43 confirmed Inspectors only 4 are Muhammadans, and in the important districts of Burdwan and Howrah there is not a single Muhammadan officer?

The Hon'ble Sir WILLIAM PRENTICE: We do not expect police officers to do their duties in accordance with their communal predelictions. They are to do their duties as police officers. In that view we consider the staff at the Burdwan Range proper and adequate.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether it is not a fact that in the Palasipara case, Muhammadan officers were asked to investigate Hindu complaints and Hindu officers were asked to investigate Muhammadan complaints?

The Hon'ble Sir WILLIAM PRENTICE: Whatever officers are on duty in any *claka* will do their job

Khan Bahadur MUHAMMAD ABDUL MOMIN: Although we do not expect that officers should be posted on communal lines, is it not a fact that the absence of any Deputy Superintendent of Police in the Burdwan Range and the posting of only 4 out of 43 confirmed Inspectors there is considered inadequate?

The Hon'ble Sir WILLIAM PRENTICE: I have never heard of that until this question.

Maulvi ABDUL KARIM: Are the Government taking into consideration the desirability of posting Muhammadan officers in the important districts of Burdwan and Hooghly?

The Hon'ble Sir WILLIAM PRENTICE: These postings are not done by Government, but I will draw the attention of the Inspector-General of Police to this question, though I do not expect that he will depart from the ordinary principles of posting.

Babu HEM CHANDRA ROY CHOUDHURI: Is it not a fact that the Superintendent and the Deputy Superintendent of Police at Noakhali are both Muhammadans?

(No answer was given.)

NON-OFFICIAL BUSINESS

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Money-Lenders Bill, 1933.

The Hon'ble Sir William Prentice presented the Report of the Select Committee on the Bengal Money-Lenders Bill, 1933.

The Bengal Wakfs Bill, 1932.

The Hon'ble Mr. Khwaja Nazimuddin presented the Report of the Select Committee on the Bengal Wakfs Bill, 1932.

The Bengal Tenants' Protection from Usury Bill, 1932.

Maulvi SYED MAJID BAKSH: I move that the Bengal Tenants' Protection from Usury Bill, 1932, be referred to a Select Committee consisting of—

(*1*) The Hon'ble Member in charge of the Judicial Department,
(*2*) Mr. W. H. Thompson,
(*3*) Khan Bahadur Muhammad Abdul Momin,
(*4*) Maulvi Tamizuddin Khan,
(*5*) Maulvi Muhammad Fazlullah,
(*6*) Maulvi Nural Absar Choudhury,
(*7*) Babu Jitendralal Bannerjee,
(*8*) Dr. Naresh Chandra Sen Gupta,
(*9*) Maulvi Azizur Rahman,
(*10*) Babu Amulyadhan Ray, and
(*11*) the mover

with instruction to submit their report within a week from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: Would you tell me if you have obtained written consent of the members you have named in your motion?

Maulvi SYED MAJID BAKSH: I handed over to the Secretary in the last session the signed consent of all the members.

Mr. PRESIDENT: But what about this session? You certainly know that all notices given during the last session have lapsed. It was clearly your duty to have obtained afresh their written consent for this session.

Maulvi SYED MAJID BAKSH: I am sorry it did not strike me that for every session I would have to take consent. Therefore, I did not do it.

Mr. PRESIDENT: It is quite clear from the rules that all notices given during a session automatically lapse as soon as the session is over.

Maulvi SYED MAJID BAKSH: I think, Sir, you can condone it in view of the fact that I did what was necessary during the last session.

Mr. PRESIDENT: That is not possible. All that I can do for you is to postpone the consideration of your motion to some future date and in the meantime you may obtain and hand over to the Secretary the signed consent of members whom you want to serve in the proposed committee.

Maulvi SYED MAJID BAKSH: Yes, Sir, it may be taken on the 21st with your permission.

Mr. PRESIDENT: Very well.

Maulvi Syed Majid Baksh's motion was then postponed to a later date.

The Bengal Municipal (Amendment) Bill, 1933.

Rai Bahadur SATYENDRA KUMAR DAS: I move that the Bengal Municipal (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of the Local Self-Government Department,
(*2*) Mr. H. P. V. Townend,
(*3*) Rai Bahadur Keshab Chandra Banerji,
(*4*) Babu Khetter Mohan Ray,
(*5*) Khan Bahadur Muhammad Abdul Momin,
(*6*) Mr. Ananda Mohan Poddar,
(*7*) Khan Bahadur Maulvi Azizul Haque,
(*8*) Mr. S. M. Bose,
(*9*) Babu Jatindra Nath Basu,
(*10*) Mr. Nalendra Kumar Basu, and
(*11*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: You are omitting Dr. Amulya Ratan Ghosé?

Rai Bahadur SATYENDRA KUMAR DAS: Yes, Sir. Sir, in moving this motion before the House I would like to say just a few words. The amendments I have suggested in the Bill are very simple and need not require much elucidation. First of all, unless there is a corresponding word "made" in the ninth and fourteenth lines of the proviso to section 2 of the Act after the word "defined" as in the third line after the words "Regulations, measurements and divisions," these cannot remain in force. This omission was, perhaps, due to a printing mistake and should be rectified by the insertion of the word "made" in the places mentioned. Again, there has not been any mention of the "Rules and By-laws" in the proviso to section 2 of the Act. It will take a good deal of time to frame new Rules and By-laws and have them sanctioned by Government after observance of the formalities of framing By-laws and obtaining sanction of the same. So it is absolutely necessary that the existing Rules and By-laws should be made to remain in force till new Rules and By-laws are framed.

Great difficulty has been experienced in preparing the voters' register for the ensuing election, owing to different interpretations given to the sub-section of section 23 of the Bengal Municipal Act, 1932, regarding the qualification of voters. It now appears that the omission of some word or words in the different sub-sections of section 23 of the Act owing to the hurry in the consideration of the Bill in Council, has made the different sub-sections of this section inconsistent with each other. So the amendments have been suggested so that the payment of the prescribed rates taken and fees "during and for" the year pending the year of election may qualify a person to be voter in all cases, which was also the original idea.

In section 136, provision has been made for the mention of the name of the occupier in the assessment list. But, according to the new Act, only the owner has been made liable for the payment of the rates and besides the occupier of a holding as rent-payer frequently changes. So, the word "occupier" should be omitted from clause (*c*) of section 136, as the mention of the name of the occupier is useless.

The object of the suggested amendment of section 138 of the Act has been stated in the Statement of Objects and Reasons elaborately; unless the amendments proposed are accepted, the procedure will become extremely cumbrous and cause unnecessary delay in disposal of the cases in connection with assessment, mutation, etc. Moreover, as the present section stands, a sub-committee has been made to hear appeals against the decision of the general ruling of the Commissioners which is apparently unjustifiable.

The reason for the suggested amendment of section 142 by extending time of six months to one year has also been elaborately stated in the Statement of Objects and Reasons. It is desirable that the amendments proposed should be accepted to rectify the inconsistency pointed out.

The sub-section (*l*) of section 149 needs the modification proposed, as it will be difficult to form a sub-committee under the present wording of the section and consequently there will be great delay in disposing of the cases.

Clause (*a*) of section 215 and sub-section (*l*) of section 525 should be amended by replacing the word "tax" and "taxes," respectively, by the words "rate" and "rates," as otherwise they will have no meaning.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I may inform the House that Government proposes to bring in a Bill which will be placed before the House in this session, and that Bill includes some of the provisions of this Bill. There are other provisions in this Bill which suggests an amendment of the Act, which was placed on the statute book only a year ago. Government have not yet acquired sufficient experience of the working of the Act. In this view of the matter I would request the hon'ble member to withdraw his Bill. It is rather dangerous to tinker with an Act at the suggestion of private members whenever they think it necessary. Government will certainly give sufficient consideration to his Bill when, in the light of the experience which they acquire after a few years' working of the Act, they will take up its amendment.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I have heard with rapt attention what the Hon'ble Minister has said. But my submission is that my Bill may be shelved for the present and I may not withdraw it, otherwise it will be useless. I want to keep my Bill as it stands, so that if the Hon'ble Minister does not do anything in the matter, I can again go on with it in the near future.

Mr. PRESIDENT: How can you do that?

Rai Bahadur SATYENDRA KUMAR DAS: In that case I have no other alternative than to withdraw the Bill.

The Bill was then, by leave of the House, withdrawn.

The Bengal Village Self-Government (Amendment) Bill, 1933.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department,
(2) Mr. H. P. V. Townend,
(3) Mr. G. G. Hooper,
(4) Mr. Narendra Kumar Basu,
(5) Babu Hem Chandra Roy Choudhuri,
(6) Maulvi Abdus Samad,
(7) Khan Bahadur Nawab Musharruf Hossain,
(8) Mr. Sarat Kumar Roy,
(9) Mr. Shanti Shekhareswar Ray,
(10) Haji Badi Ahmed Chowdhury,
(11) Rai Bahadur Kamini Kumar Das, and
(12) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I may be permitted to inform the House that I have not been able to secure the signature of Munindra Deb Rai Mahasai and Dr. Amulya Ratan Ghose, so I cannot mention their names which may be struck off the list. I have added in their places the names of Haji Badi Ahmed Chowdhury and Rai Bahadur Kamini Kumar Das which may be permitted. I have got the written consent of the last two members. The consent of others I have already submitted.

This is a matter in which Bengal is specially interested. I have already submitted my reasons in the Statement of Objects and Reasons. Bengal is an agricultural country, and the improvement of cattle is a very important thing for her. Bengal loses a large amount of money in importing cattle from Upper India. My proposal is that, if the Union Committee can be made to import cattle for breeding purposes, by cross-breeding with strong and healthy cows, I believe the supply of breeding bulls may be facilitated and in a few years' time Bengal will be able to supply a very large number of breeding bulls which the villagers will be glad to take and maintain themselves. I know, Sir, in my own district the Government Livestock Inspector there has been trying to help the villagers with the supply of some bulls. He has recently brought some 8 bulls from Rangpur and distributed them gratis, and cultivators from a very large number of villages are very eager to take advantage of them, and they have taken the bulls with

the undertaking that they will maintain them. If we can improve them by cross-breeding, we will be able to improve the character of the breeding bull also, and we will get calves, and in this way the supply of milk will be increased—all this will be to our advantage. So by accepting this provision not only the improvement of cattle will be effected, but the milk-supply also will increase and a good deal of money will be saved to Bengal, and she will be relieved of importing a larger number of bulls from Upper India. So, I hope the Hon'ble Minister in charge will be kind enough to accept the proposition, and an attempt should be made by which the improvement of cattle may be effected, thereby benefiting Bengal in various ways. I understand, Sir, that about a year ago there was an amending Bill which proposed to enable Union Committees to take action under the Bill. But here the object is to compel them to do it and also to arrange for the improvement of fodder-supply.

Of course, when we think of doing anything for the improvement of cattle, the first thing that occurs to us is the improvement of fodder-supply. In Rajshahi, I have seen that the Livestock Inspector is doing something in that direction. I forget the name of the particular kind of plant which is being cultivated and which will benefit the people in the matter of fodder-supply and that much-talked-of question of the unkind treatment of the *zemindars* on the one hand and the difficulties of the cultivators on the other, that all lands are being settled for the purpose of securing high rents and that no land is available for fodder-supply, will not arise. If new plants can be vastly cultivated, I think it will go a great way to solve the question of fodder-supply. I need not dilate upon the subject at any length. I understand that Government contemplate introducing a comprehensive Bill for amending the Village Self-Government Act in order to deal with all these matters. When that will be done, there is no knowing. For the present, I think there should be no difficulty in getting my Bill considered. In the meantime, if there is any comprehensive Bill introduced and if it be thought that my Bill will not be necessary, the latter may be withdrawn and the other Bill proceeded with; or this Bill may be kept as an additional amendment of the Act. This may remain and a new amending Act may be taken in hand; so there should be no difficulty in proceeding with the consideration of this Bill, and as it is a matter in which the agricultural population is largely interested and as they will be greatly benefited, I hope this Bill will be referred to a Select Committee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am afraid I have to oppose this Bill. First of all, it goes against the principle of the Village Self-Government Act, namely, it casts certain compulsory duties on Union Boards——

Mr. PRESIDENT: I think it will be better if you speak after the circulation motion has been moved.

Maulvi Hassan Ali's motion for circulation was called, but not moved.

Mr. PRESIDENT: The Hon'ble Minister may now speak.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I was submitting, it casts certain definite and compulsory duties on Union Boards without providing for money, namely, that the Union Boards must keep cattle, goats, etc., and introduce fodder cultivation within the Union Board area and must do it according to the instruction of the Livestock Officer of Government. I think it will complicate matters, because, as it is, we know that Union Boards are very reluctant to be guided by circle officers, and I do not want to place them under further obligation to follow the instructions of Government officers. That is against the principle of the Village Self-Government Act.

The next point is that no money is going to be provided for. As we know, Union Boards have been suffering from want of funds like many other institutions in this province at the present moment. Why should they be compelled to do something which may or may not be to their advantage? Moreover, as was pointed out by the mover himself, just a year ago a Bill was passed by this House which placed certain enabling section in the Act, so that if the Union Boards wanted to make provision for keeping a bull, they could do so. But there is no reason why they should be compelled to undertake this expenditure without provision of funds. As has been mentioned by the mover, Government want to bring a comprehensive Bill to amend the Village Self-Government Act in the near future. So, I see no reason why there should be this desperate hurry to amend this Act only to introduce these short sections. In this view of the matter, I hope the mover will agree to withdraw his Bill. It is not possible to put in these sections in a Bill when the Government intends to introduce a comprehensive Bill. I would, therefore, request the mover to withdraw his Bill. If he does not, then Government will have to oppose it.

Babu KISHORI MOHAN CHAUDHURI: Sir, I think it would be better if the Hon'ble Minister, instead of asking me to withdraw, would prefer circulation of the Bill for eliciting public opinion. To that I would agree, but I would not consent to withdraw it. The Government Bill is also not yet ready.

As regards the pecuniary question, my point is this, that in the beginning only a very small amount has to be spent and in course of

time the local supply will be increased. There would not be any difficulty at all for a Union Board to raise Rs. 150 or so. They could start with one breeding bull. The money required for this purpose may be raised by subscription among the large number of cultivators who are anxious to take advantage of the service of such a bull. This would do for a year or two, then the local supply will gradually increase. Therefore, the question of money is no question at all.

As regards the other arrangements, it is for the localities to consider. In the last amending Act there is this enabling section that they may do it; but in this case we are impressing upon the Union Boards the necessity of doing something in this direction, and for the small amount that will be required, it will not be necessary for the Union Boards to approach Government for special grants. So, I do not think there is any difficulty in this matter also.

As regards the question that Government is going to introduce a comprehensive Bill, I have already had a talk with the Hon'ble Minister on the subject. I think that this Bill should be circulated for eliciting public opinion and, in the meantime, if the Government Bill is introduced and it is found that that will serve the purpose better, then I shall have no objection to withdraw this Bill. In this view I beg to suggest that the Hon'ble Minister will be kind enough to consent to the proposal that the Bill be circulated for eliciting public opinion. This will give us the opportunity of knowing what view the public take of the proposed measure, and there will be time enough either to withdraw or to proceed with it. If the public support it, it may be taken in the next session, or if it is seen that the Government Bill would serve the purpose better, then this Bill may be withdrawn. Therefore, if the Hon'ble Minister would agree to the circulation of the Bill instead of asking me to withdraw it, I think it would serve the purpose of both myself and the Hon'ble Minister.

Mr. PRESIDENT: But there is no such proposition before the House.

Babu KISHORI MOHAN CHAUDHURI: In that case, Sir, I do not agree to withdraw it.

Mr. PRESIDENT: There are serveral amendments relating to the personnel of the proposed Committee. I better split up the motion into two parts and put the first part first, *viz.*, that the Bill be referred to a Select Committee.

The motion that the Bengal Village Self-Government Bill, 1933, be referred to a Select Committee was then put and lost.

The second portion (about the personnel) automatically failed.

The Bengal Embankment (Amendment) Bill, 1933.

Mr. NARENDRA KUMAR BASU: Sir, I beg leave to introduce a Bill to amend the Bengal Embankment Act, 1882.

The motion was then put and agreed to.

The Secretary then read the short title of the Bill.

Mr. NARENDRA KUMAR BASU: Sir, before formally moving the motion for reference of the Bill to a Select Committee I want, with your permission, to make two alterations in the personnel of the Select Committee. I want to put in the names of Mr. N. G. A. Edgley, instead of Mr. G. P. Hogg and Mr. Saileswar Singh Roy instead of Raja Bahadur Bhupendra Narayan Sinha.

Mr. PRESIDENT: Have you obtained their consent?

Mr. NARENDRA KUMAR BASU: Yes, Sir.

Mr. PRESIDENT: I permit you to do so.

Mr. NARENDRA KUMAR BASU: I move that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Irrigation Department,
(2) Mr. N. G. A. Edgley,
(3) Mr. H. C. V. Philpot,
(4) Mr. R. Maiti,
(5) Maulvi Abdul Karim,
(6) Mr. Saileswar Singh Roy, and
(7) myself,

with instruction to submit their report within a week from the date on which this motion is carried in Council, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

I do not think I need waste the time of the Council much. The Statement of Objects and Reasons is this: The words "Existing Embankment" in section 76 of the Bengal Embankment Act have been, in several cases, judicially interpreted to mean "an embankment existing at the time the addition is made." The result is that an embankment which is damaged or eroded by floods or other causes cannot be repaired till the permission of the authorities is obtained, thus entailing a delay which, in particular instances, may be the cause of irreparable damage—this difficulty was pointed out by the High Court (Panckridge J.) in

the case of "Hatu Nath," reported in L. R. 60, Cal. 131, the latest case on the subject. The present amendment of the law seeks to prevent this anomaly. With these words, I commend the motion to the acceptance of the House.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 1st January, 1934. Embankments do more harm than good. They cause obstruction to flushing; Bengal is in the grip of malaria, and embankments are to a great extent responsible for it. The more the embankments are removed, the better for the health of Bengal. Embankments may have their utility in protecting certain lands from being flooded, but they cause obstruction to free flow of flood water which is essential not only to improve the conditions of the soil, but also to flush the country from all impurities. The unhealthiness of West Bengal is due to a great extent to the obstruction caused by the erection of embankments on the banks of the river Damodar. Many experts hold the same view which I have just placed before the House. In the circumstances, I suggst the circulation of the Bill to give the public an opportunity to express their opinion thereon.

Munindra Deb Rai Mahasai's motion was then put and lost.

The motion that the Bengal Embankment (Amendment) Bill, 1933, be referred to a Select Committee was then put and agreed to.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move that after the name of Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, the following name be inserted:—

Mr. Sarat Kumar Roy.

Mr. NARENDRA KUMAR BASU: I accept it.

The second portion of the motion regarding the personnel of the Committee was then put in the following amended form and agreed to:—

"That the Bengal Embankment (Amendment) Bill, 1933, be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Irrigation Department,
(2) Mr. N. G. A. Edgley,
(3) Mr. H. C. J. Philpot,
(4) Mr. R. Maiti,
(5) Maulvi Abdul Karim,
(6) Mr. Saileswar Singh Roy,
(7) Mr. Sarat Kumar Roy, and
(8) Mr. Narendra Kumar Basu.

The Bengal Tenancy (Amendment) Bill, 1932.

Mr. NARENDRA KUMAR BASU: Sir, I rise on a point of order. We have not got copies of the Bill.

Mr. PRESIDENT: You may raise that point later. You cannot do so at this stage.

Maulvi SYED MAJID BAKSH: Sir, I beg leave to introduce a Bill to amend the Bengal Tenancy Act, 1885. In doing so, I may begin by saying that I circulated copies of the Bill in December last when I gave notice, but as in the last session the Bill was not moved by me, I have not circulated fresh copies of it in this session. The chief feature of the Bill is that a few important amendments were found to be necessary in the operation of the Bengal Tenancy Act——

Mr. PRESIDENT: You need not make a speech at this stage.

The motion was then put and agreed to.

The Secretary then read the short title of the Bill.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. We have not got copies of the Bill.

Mr. PRESIDENT: Copies of the Bill were circulated to members during the last session. The member in charge of the Bill was not present in the House when his name was called out. The question is whether his absence dislodged the Bill from the stage it had actually reached. I hold that it did not, and the only consequence which followed from it was that the Bill could not go any further, as the member did not introduce it. The Bill remanied where it then stood. So, I think, it is not incumbent upon or absolutely necessary on the part of the member to send copies of the Bill anew to the members of this House, except in regard to those new members appointed since the last session. I understand that new members were duly supplied with copies of the Bill. I, therefore, permit him to move the next motion.

Maulvi SYED MAJID BAKSH: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1932, be taken into consideration.

Sir, at this stage I may point out some of the chief features of the Bill. In the first place, under the amending Act of 1928 a *bargadar* is not a tenant: so a suit against a *bargadar* must be instituted in a Court of Small Causes. There is a further provision, *viz.*, that if on the

institution of a suit, the Court held that the defendant was a tenant, the Court of Small Causes was precluded from trying the suit. But difficulties have arisen in cases when a suit was instituted in a Small Cause Court and the defendant took the plea that he was a tenant, a Court of Small Causes was incapable of adjudicating upon a suit whether he was a tenant or a *bargadar*: so many suits have been dismissed and are liable in future to be dismissed. That is the difficulty which has been found in practice. Therefore, in my amending Bill I have made it clear that either the person must have been adjudicated beforehand as a tenant, or there must be a document in which he must be described as a tenant; otherwise, he will be regarded as a *bargadar* and will be proceeded against in the Small Cause Court.

Secondly, Sir, another difficulty has arisen in connection with section 48H of the Act, owing to a recent decision of Mr. Justice Jack in the Calcutta High Court, in which the Hon'ble Judge has held that if an occupancy *raiyat* sub-lets his holding instead of selling his occupancy right by describing himself as a permanent tenure-holder and thereby evades payment of the *salami*, the landlord will not be entitled to sue him in the civil court. As there is no provision under the Act, Mr. Justice Jack has held that no suit is maintainable as in the case of sub-lease. It will, of course, help the tenant in a way, because if the *salami* is not paid, the landlord will be able to eject the transferree as a trespasser; but if the landlord is entitled to sue for money, the transfer will be *ipso facto* recognised as a valid transfer. Therefore, the person who has got a lease from a *raiyat* will not be liable to be ejected, and will have his right all right.

There is another amendment which deals with improvement or misuse as described in section 155 of the Act. I have suggested that certain things done by a tenant in his holding should be treated as improvements and not a misuse which will render him liable to be evicted.

Sir, these are the main features of the Bill, and I hope the motion will be accepted by the House.

Mr. PRESIDENT: Three amendments have been tabled for the circulation of this Bill, and we may have one discussion on them, as these are substantially identical. I choose Mr. Guha's amendment for discussion.

Mr. P. N. GUHA: Mr. President, Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1933, be circulated for the purpose of eliciting public opinion on it before the 31st October, 1933.

Sir, I have carefully listened to the arguments of the mover of the Bill but I don't think he has succeeded in making out a case for the

urgency of passing the Bill in the same session in which it has been introduced. Sir, we all know that all the civil courts will be closed for the *Puja* vacation in a few weeks' time, and I am sure that no harm will ensue if the Bill is circulated for the purpose of eliciting public opinion thereon before the 31st October. This is a matter which concerns all classes of people—*zemindars*, *raiyats*, lawyers and others—and I think it only fair to give an opportunity to all concerned to examine the provisions of the Bill. Sir, I have always maintained that it is bad policy to introduce a Bill and ask the Council to take it into consideration at the same session either without circulating or sending it to a Select Committee. I believe that no case has been made out for urgency, and I therefore commend my motion to the acceptance of the House.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I did not take part in the discussion, because the question of circulation was before the House. But I would like to speak on it if the motion for reference to a Select Committee is discussed.

Mr. PRESIDENT: Yes, Sir Provash; I shall presently take up the amendment which has been tabled to refer the Bill to a Select Committee. I now call upon Kazi Emdadul Hoque to move his amendment, leaving out the personnel for the moment.

Kazi EMDADUL HOQUE: Sir, I beg to move that the Bill be referred to a Select Committee.

Mr. SARAT KUMAR ROY: Sir, I rise to oppose the consideration of the Bill, inasmuch as this Bill contains clauses which are in conflict with the principles of the land laws of Bengal. And if such clauses are passed into law, it will be further curtailing the rights and privileges of the landlord. I refer specially to clauses (*6*) and (*7*) of the Bill, which seek to legalise the erection of places of worship, etc., within a tenant's holding by calling them improvements under section 76 and not misuses under section 155.

Sir, already clauses have been introduced during the amendment of the Bengal Tenancy Act in 1928 in contravention of the established principles of the land laws of Bengal, and many new rights have been conferred upon the *raiyats*, but although erection of *pucca* residential houses, etc., on a *raiyat's* holding can in a way be interpreted as conducive to the general welfare of a tenant, though not exactly a material improvement of the land, surely Sir, the erection of places of worship, and conversion of a portion of the holding into cremation or burial-grounds within lands intended for purposes of agriculture, which clauses (*7*) and (*8*) of this Bill want to legalise, are not improvements;

on the other hand, if these structures, etc., are allowed, they will not only hamper the cultivation of the said holdings in various ways, and thus depreciate the value of them rather than improve the land in any way whatsoever, but also may be the source of breach of peace among the different communities. The hon'ble member in charge of the Bill has chosen to call the inability of a tenant to erect such structures or to convert a portion of the holding into burning or burial-grounds anywhere within his holding, a hardship. I fail to see how these can be called a hardship when for so many generations these things were not considered as hardships. If these are considered as hardships, I am afraid, the definition of the word "hardship" would be much too widened. And I submit, Sir,' there are in existence, almost in every village or in groups of two or three villages, places of worship and places for burning and burial of the dead. Evidently, therefore, absence of the right to create them afresh can never be considered as hardships. Moreover, this provision will militate against the principle of the law as contained in sub-section (3) of section 76 of the Act.

Regarding clause (8) of the Bill, I submit, Sir, the proposed amendment will enable the tenant-judgment-debtor to delay the proceedings further by bringing charges of fraud, etc., against the decree-holder, and he would be tempted to make all sorts of frivolous pleas for unduly protracting the proceedings.

I, therefore, request the hon'ble member in charge of the Bill to withdraw it, as its provisions are very highly objectionable. If he does not, then I strongly oppose the consideration of the Bill.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, Government's attitude in regard to this matter is that a piece of legislation like the Bengal Tenancy Act should not be amended piecemeal. As it is, there are difficulties in regard to interpretation of some of the sections. And a piecemeal legislation would only lead to chaos. We must oppose the motion for reference to a Select Committee on the merits too. There is nothing in this Bill, Sir, which would warrant the Council to accept the principle by referring the Bill to a Select Committee. The main provision in the Bill, as the mover has told us, is that in section 3 (17) (ii) the words "or is" shall be omitted. The reason which he has adduced is not clear, *viz.*, whether a particular person who is a *bargadar* is a tenant or he has to pay merely a certain quantity of paddy or jute in lieu of his service. Well, that begs the whole question. If a particular man promises to pay a certain amount of paddy or jute, he is a tenant if a grant is created in his favour. But, on the other hand, if on the consideration of the document it appears that he is a labourer, then he is not a tenant but a labourer. The mover has referred to a certain decision of the High Court and he has criticised it. I do not think the mover has made out

that the High Court is wrong. If the plaint when the suit is instituted makes it clear that a particular person is a tenant, then the suit will be in the Munsif's Court, but if it is merely a claim for value of produce from a labourer, then the suit will come before a Small Cause Court. The amendment proposed will make it even more difficult for the plaintiff to choose where to go; for this reason I have to oppose the amendment. The next amendment is that in section 22, sub-section (2), the following further proviso shall be added: "provided further a suit for the recovery of such sum for use and occupation shall for all purposes be regarded as a suit for rent." With the utmost respect to the mover, I am unable to follow his argument. The existing proviso to section 22 (2) may be examined now. A co-sharer landlord who purchases the holding of an occupancy *raiyat* at a sale in execution of a rent decree or of a certificate under the Bengal Tenancy Act shall not hold the land comprised in such holding as a *raiyat*, but shall hold the land as a proprietor or a tenure-holder. It would be a bad thing if a co-sharer landlord can be a tenant under the Act. On merits, therefore, I must oppose this amendment.

Maulvi SYED MAJID BAKSH: That was a provision in the old Act which has now been changed.

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, I am quite aware of that; it was changed because it was a bad provision.

Maulvi SYED MAJID BAKSH: But the amendment has made it worse.

The Hon'ble Sir PROVASH CHUNDER MITTER: Then the mover proposes that after section 48H, sub-clause (3), the following explanation shall be added:—

"*Explanation* (1).—The landlord is entitled to recover by suit any sum due to him as landlord's fee."

Here, again, the difficulty is nothing much, and there may be something to be said for this point, but the difficulty is that we are opposed to piecemeal amendments like these, and I must oppose this too.

Then in section 76 the mover suggests that the erection of a mosque or temple or any other place of worship is an improvement. I should first of all say that an occupancy holding is primarily for agricultural purposes. No doubt the occupancy *raiyat* can have his homestead as a part of his holding, but if agricultural land is used for non-agricultural purposes, that would be a ground for eviction

under one of the earlier sections of the Bengal Tenancy Act. But apart from that, the introduction of a mosque in one field and a temple in the next will lead to consequences which all right thinking men of either community will deplore. Then, again, I think it is against both the Hindu and the Muhammadan law to allow a temple or mosque to be erected on a tenancy of such a precarious nature as can be sold in execution of a rent decree, and we must therefore oppose this amendment too. It is not an improvement so far as the Act is concerned, and it will certainly lead to a deterioration in the value of the tenancy.

Then his last proposal is that in section 174 after sub-section (3), clauses (*a*) and (*b*), the following further proviso shall be added:—

Provided also that the provision of section 18 of the Indian Limitation Act, 1908, shall apply to an application under this sub-section."

This will prolong litigation and will also add to fraud; I must, therefore, on all these grounds oppose the reference of the Bill to a Select Committee.

Maulvi SYED MAJID BAKSH: As regards the speech of my friend Mr. Sarat Kumar Roy, I shall not say much, because he has ultimately ended by accepting circulation; of course, the House will decide whether it is to be circulated or taken into consideration.

As regards the speech of the Hon'ble Member, I have got something to say: He has found fault with the provisions of my Bill, on the ground that it is a piecemeal legislation. I do not understand what is meant by piecemeal legislation. If there is a piece of legislation in which there are big loopholes and any member points out those defects, the Hon'ble Member wants to keep them wide open and says that it is piecemeal legislation. If any aspect of the present legislation is sought to be amended, that is piecemeal legislation. I accept the principle of the Bengal Tenancy Act as it stands, and I accept the operation of the Act also; but I am pointing out that in actual practice in the operations of the Act certain defects have cropped up, and I want to remedy those defects. So it is not a piecemeal amendment.

Without casting any aspersions on the framers of the Act, the fact is that there are certain loopholes in it which I am seeking to stop, and I do not think it will come within the meaning and importance of a piecemeal legislation.

As regards the provisions which are contained in the Bill, the Hon'ble Member has said that the defect of the Small Cause Court Act is not much. I think the difficulties we have experienced in the working of that Act are not apparent to the Hon'ble Member. I still do not understand his arguments at all. I am speaking very slowly,

and I would like to suggest that my hon'ble friend will understand the meaning which I am applying to my words. I may not be intelligible to him, but I hope that he will try to understand me; I may not be able to make it clear to him, but I hope that in his own wisdom he will understand me. My point is this, and I am giving a concrete case; such cases have happened and are happening every day and many persons have suffered. If a person has leased his holding in *barga*, simply saying that he gave his land in *barga*, then no doubt he can institute a suit for half produce in the Small Cause Court. I hope the Hon'ble Member will agree with me in this matter.

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not at all agree.

Maulvi SYED MAJID BAKSH: In that case, he will go to the provincial Small Cause Court according to the Bengal Tenancy Act, because a *bargadar* is not a tenant, no rent suit can be instituted against him. If the tenant then files a written statement—I am speaking of a matter of fact and not of a theoretical argument that he is a tenant—his status, whether he is a tenant or not, cannot be adjudicated upon, by the Small Cause Court. It is not within the scope of the Small Cause Court to determine whether a man is a tenant or not, and unless and until that person files a written statement and that portion of issue is finally adjudicated upon, there can be no decree against him. But the Hon'ble Member has not met my arguments and has not been pleased to be converted to my view. If there is a document in which he is mentioned as a tenant, of course that case is finished; and if he is adjudicated upon as a tenant, there is no difficulty. Then he will go to the Rent Court. But if there is no such thing, if there is no admission in the document, no decree can be against him. If the man wants to be adjudicated upon as to whether he is a tenant or not, certainly the Small Cause Court will have to decide that, and this difficulty has been apparent not only once but many times.

Secondly, as to my friend's argument that the decision of the High Court is not wrong; even if it be not wrong, I am introducing a simple judicial procedure of realising landlords' fees, and I hope my landlord friends will gladly agree with me in that it will give them an opportunity of realising the landlords' fees by suit. And along with this my status as a transferree or lessee will also be recognised. That is my interest and happily that interest coincides with the interest of the landlords, because under the ruling of the Hon'ble Mr. Justice Jack no suit at present lies for the realisation of landlords' fees. But under the present amendment, the landlords will get this right to sue.

As regards the question of temple or mosque and whether it will necessitate the re-entry of the landlord, the Hon'ble Member has pointed out that this will create deterioration in the value of the land, and further, that it is no improvement at all. I do not understand what he means by it, but I have expressly laid down that if a tenant builds a mosque, or temple or a church upon 1/10th of the area of his holding, then he is not liable to ejectment. Sir, we in the East cannot get away from prayer; we are not like men of the West. There are burial-grounds on the land and temples and mosques without anybody fighting on that score. Don't think of things that do not exist. Don't think of chimeras and dreams; it is by such thoughts that you create mischief where there is none. We in the East cannot get away from prayer; it is in our flesh of flesh and blood of our blood. Men of the East are naturally religious unlike men of the West, where there are many persons who profess rationalism, positivism and many other things.

Mr. NARENDRA KUMAR BASU: But are there no atheists in the East?

Maulvi SYED MAJID BAKSH: Yes, there are atheists, but they don't pray. The majority of them have their interests protected under the Bengal Tenancy Act. There under the head "protected interests" you will find prayer houses; so that they have not been excluded under the Act. By saying that prayer houses are protected interests, the Act has accepted the principle of having prayer houses. Under the present law, if a prayer house is erected by a Hindu or Muhammadan, or a Christian tenant, the landlord must sue to eject him. Will that give rise to communal trouble? I think it will not. I ask my friend if it is communal if you allow him the right to build a temple or a mosque on 1/10th of his holding, while the remaining portion, namely, 9/10ths will be quite proper and sufficient for the small amount of rent that you will get out of the land. The rent of the land is small compared with the area of the holding, so that rent decree, if any, may be easily realised from 9/10ths, leaving 1/10th for the prayer house. Because the Bengal Tenancy Act has accepted that principle, I am, therefore, introducing it. Under the present law, tenants are allowed to have their prayer houses erected on their land. I saw in the newspapers how the erection of a prayer house opposed by the landlord had really fomented communal trouble and led to suits for ejection. I want to avoid that; I want to live and let live. Let the tenant have a small portion of his holding, that is 1/10th for his prayer house: 9/10ths will remain for the landlord. I regard it as an improvement, because if there is a prayer house on the land, its value will rise in the estimation of the people of the locality who may go to that prayer

house. But in the Select Committee we may very well amend this portion if we like. Then as regards the application of the Limitation Act, section 18 of the Act is clear, and it applies to all laws. It formerly used to apply to the Bengal Tenancy Act. At the time of the amendment of the Bengal Tenancy Act, it was not expressly enacted whether it should apply to that Act or not. But the language of section 18 is quite clear, and it certainly applies to the Bengal Tenancy Act as well.

Lastly, there is the question of co-sharer purchaser. His position is anomalous under the existing law. If a co-sharer purchaser holds lands under other co-sharer landlords and he becomes a landlord himself, how will the other co-sharer landlords realise the rent? The whole thing is very much complicated and nobody knows where he stands. If a co-sharer tenant remains a tenant as he used to formerly, there will be no difficulty. Therefore, for the purpose of facilitating the smooth working of the Bengal Tenancy Act, I have introduced this Bill.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st October, 1933, was then put and lost.

The motion that the said Bill be referred to a Select Committee was then put and lost.

The motion that the said Bill be taken into consideration was then put and lost.

(At this stage the Council adjourned for 15 minutes for prayer.)

(After adjournment.)

The Estates Partition Act, 1897 (Amendment) Bill, 1933.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg leave to introduce a Bill further to amend the Estates Partition Act, V of 1897.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Babu KISHORI MOHAN CHAUDHURI: In moving the next motion, I see that there are some amendments for the circulation of the Bill. So I simply move that the Bill be referred to a Select Committee for the consideration of the Bill.

Mr. PRESIDENT: You had better move the motion as it stands.

Babu KISHORI MOHAN CHAUDHURI: I move that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Member in charge of the Revenue Department,

(*2*) Mr. H. C. V. Philpot,

(*3*) Mr. G. G. Hooper,

(*4*) Mr. J. N. Gupta,

(*5*) Khan Bahadur Muhammad Abdul Momin,

(*6*) Rai Bahadur Keshab Chandra Banerji,

(*7*) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(*8*) Babu Hem Chandra Roy Choudhuri,

(*9*) Mr. Sarat Kumar Roy,

(*10*) Maulvi Hassan Ali,

(*11*) Mr. Shanti Shekhareswar Ray, and

(*12*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: If you want to make any observation in regard to the principles of the Bill, you may do so now.

Babu KISHORI MOHAN CHAUDHURI: At this stage I need not dilate upon the points raised in the Bill. There are motions for the circulation of the Bill, and if any of them is accepted, there is no need for me to tire the patience of the members of the House by dilating on these points at this stage.

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th November, 1933.

The Government attitude on this Bill is that they have no interest in the matter, but this is a point which touches various numbers of small people, such as *brahmattardars*, *pirottardars* and others and we do not like to come to a decision without consulting public opinion. As in a matter like this it is essential that public opinion should be consulted, I move that the Bill be circulated. If the mover of the Bill accepts it, well and good; if not, we must oppose the Bill.

Babu KISHORI MOHAN CHAUDHURI: I accept the amendment.

The Hon'ble Sir Provash Chunder Mitter's motion was then put and agreed to.

The Bengal State Lotteries Bill, 1933.

Mr. P. BANERJI: I beg to move for leave to introduce a Bill to provide for lotteries in Bengal.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Mr. P. BANERJI: I move that the Bengal State Lotteries Bill, 1933, be taken into consideration.

In moving my motion, I beg to refer the members of this House to the Statement of Objects and Reasons and to say that the time has come or rather an abnormal situation has arisen in the country when to run the administration properly we need money. As has been said in this House times without number, various works of Government and particularly medical relief are often neglected for want of funds, because whenever any measure is brought before this House, Government say that nothing can be done now as there is no money. In this connection, I must submit that the holding of a lottery is not wholly illegal. In fact, prior to 1870 there was no Lotteries Act in our country. In 1870 by an amending Act, section 294A was added to the Indian Penal Code; it provides that whoever keeps any office or place for the purpose of any lottery which is not authorised by Government shall be punished with imprisonment or with fine or with both. Therefore, the holding of a lottery is not illegal when it is authorised by Government. I may mention here that in England the Lotteries Act came into force for the first time in 1697 when all lotteries were declared to be a public nuisance. Now let us consider for a moment what actuated the people of England as early as the 17th century to declare the holding of a lottery or gambling to be a public nuisance. It has been said by one of the highest authorities in England that in those days the keepers of gambling dens and lotteries were classed as rogues or vagabonds. The lotteries were run much to the advantage of the lottery-keepers, because in almost all the cases the lottery-keeper would win the biggest prize or so arrange the lottery that the prizes would be distributed amongst his confederates. It was, therefore, considered to be a public nuisance. That was the position in the 17th century. Then in the year 1711, an Act was passed bringing certain other games within the purview of the Lotteries Act. But at the same time, it will be noticed that during the reign of Queen Anne when there was a need for money a lottery was held in 1711 by which £2,25,00,000 were raised, and

this whole amount was spent for running the administration. Then we find that from the time of George II down to Queen Victoria many Acts were passed from time to time, but it was really noteworthy that members of the Royal Palace and high class people were always exempted from the operation of these Acts. Perhaps the intention was that if the lottery could be managed by proper persons and in proper time, there was no objection. In fact, in England these lotteries were occasionally managed by the Government from very olden times. Probably being actuated with the same idea as in England, the Indian Penal Code was amended in 1870, but before that another Act was passed, *viz.*, Bengal Act II of 1867, that is, the Gambling Act. Practically some provisions of the Georgian Statute were incorporated in the Gambling Act which prohibits private gambling or keeping of common gambling houses, excluding certain games, such as billiards, or any other game of mere skill. I may mention here that in the name of mere skill, some games have of late been introduced in the carnivals, etc., and we are glad that a measure has been introduced in this House by the Hon'ble Member in charge of Police to remove that evil. Therefore, it will be seen that, whenever necessary, Government stopped gambling but not lottery. Lottery is quite different from gambling. Now, what is gambling? Gambling means a game of chance, and certain games come within the purview of the Gambling Act, while others do not; some are considered to be games of mere skill. Gambling has been condemned in all times, in all countries and by all religions; I have no dispute about that, but there is some misconception about the difference between gambling and lottery. I will, therefore, try to explain in my own humble way what is gambling and request the House not to be guided by the opinion already formed in certain quarters that gambling is a lottery. Gambling is done by a person in a gambling den in which he himself participates and stakes his money for game. The keepers of these gambling dens allure innocent people to come there and try to squeeze out everything they have. It is well known that nobody can come out of these dens successful, that is, after making a profit. To encourage the people to continue the game, the gamblers at first allow the people to make some profit out of the money staked, but afterwards those innocent people lose everything they have with the result that they ruin themselves. It is a known fact that many persons, who owned several lakhs and big houses, have ruined themselves in this way. We know only recently even a Small Cause Court lawyer, who staked in a game about Rs. 3,000 by pledging the ornaments of his wife, fell down dead on the maidan after losing it. His name was——

Mr. PRESIDENT: Order, order. You need not mention his name.

Mr. P. BANERJI: There are many cases like that in which people have ruined themselves by gambling. Therefore, gambling is condemned everywhere. Sir, a lottery, as I have already stated, when not authorised by Government, is illegal, but when it is authorised by Government, it is legal.

Now, Sir, I come to the real state of affairs of everyday life outside this Council. Some time ago in this Council, I submitted that actually lotteries are being held by so many different clubs and charitable associations in the country, and though lotteries are prohibited in British India, in the Native States, and in fact in every Native State in India, there is one lottery held every year. The same is the case in several foreign territories in India, *e.g.*, Goa and Daman, and other places. Many tickets come to British India from these places, and these tickets take away a lot of money from British India and thus money is drained away from India which money does not serve any useful purpose to us. Not that alone, but there are many foreign sweepstakes held in almost all the European countries by the Government. In this connection, I may mention the case of the Irish Free State Sweepstake which is making havoc in this country. From Calcutta alone this sweepstake drains almost over Rs. 20 lakhs every year, but this amount could have been kept in India and utilised in the way in which it has been done in Ireland, *viz.*, in the improvement of hospitals and other institutions.

Sir, if you go into the figures, you will find that a large number of tickets has been coming from England and other countries. If I were to read from a statement of the figures regarding the Irish Free State Sweepstakes, you would find that from November, 1930, to June, 1933, *viz.*, 2½ years, the Free State Government have paid over Rs. 22 crores in the shape of prizes. In the first year they gave 50 *per cent.* of the total collections towards prizes and 30 *per cent.* to hospitals, and this amounted to Rs. 88 lakhs. Then, Sir, if you go into the details of the results of this year, you will find that they have given out of the total collection of Rs. 4 crores 1 crore to the Government treasury, out of which Rs. 50 lakhs went to the hospitals—the hospitals in that country did not need more money this year; the Irish hospitals were practically the worst hospitals in the world barring India, but they are now the best. How was this possible? This was possible only owing to the huge amount of money they could secure from the different parts of the world. Not that alone, but they have given the balance of Rs. 50 lakhs to stamp duty and also as a grant to poor-law institutions. Thus, Sir, I have placed before the House the facts and figures of the Irish Free State Sweepstakes, which show what a small State like Ireland has been doing.

Sir, it has been often admitted, as I said in the beginning, that we need a lot of money for the improvement of all departments of

Government; and those who live in Bengal know it very well that the health conditions of Bengal are the worst in India. From the reply given to a question put by Maulvi Syed Majid Baksh, you will be surprised to know that about two lakhs of people died from cholera and malaria in the district of Jessore alone. The Bengalees are a dying race. If you, Sir, go to the countryside, especially to the districts of the Presidency Division, mostly Jessore, some portion of Nadia, the northern part of Khulna and the 24-Pergunnas—and also to the Burdwan Division, Hooghly and other places—you will find that the people are dying there like flies. At one time the villages which were the best are now the worst places, and they are now deserted and the haunt of wild animals. In order to carry out improvements in regard to sanitation, all that we need is money and a huge amount at that, and it is not possible to raise that money in the ordinary way, because Government is running at a deficit and a large deficit, and so far we can find no prospect of improvement either of business or of Government revenue; and that being the case, in order to undertake the huge task of saving the people from death, we must find some other avenue of raising the necessary funds, and I cannot think of any other avenue of doing so. I would, therefore, request everybody to put their heads together and think what other avenue there is of finding the money. So far as I can see, there is the living example of Ireland before us. If we follow that example, it will be possible to do these improvements easily.

Sir, no new principle is involved in my proposal, because we all know that during the period of the War when the situation was abnormal, Government started State lotteries by issuing war loans, and I do not think that the situation at the present moment is in any way less abnormal; on the contrary, it is more abnormal than it was at that time.

Some of my friends have tabled some motions for the circulation of the Bill; Government have also tabled such a motion. I may say that I have no objection to offer to such a motion on principle. We have waited for so long and we can wait for some time more, say a few months. As regards public opinion, I can say without fear of contradiction that everyone without exception will like the idea of holding a lottery. Some people may have scruples for subscribing to lotteries, but at the same time when they find that these lotteries are held for the purpose of saving the dying people and succouring the sick and the distressed, they will not go against them for the good of the country. In my Bill, I have suggested that the Government could easily start a lottery on their own or if they are not prepared to do it themselves, they could authorise a recognised body to hold lotteries for the purpose. A large amount of money will then be subscribed and that money will be of immense service to

the Government. If Government were to issue licences to recognised bodies or associations to hold lotteries, such bodies would not spend money recklessly; but at the same time, Government might impose a tax on these lotteries if they were so inclined. You can immediately realise 30 *per cent.* in the shape of taxes on these collections, because we all know that in the case of the betting tax, which is legal, Government realised about Rs. 3 lakhs. Therefore, Sir, there is no new principle involved in my suggestion. As I have said, if Government are not prepared to start State lotteries, they can surely authorise District Boards and local bodies and such other recognised associations to start lotteries. I would suggest that a tax of 30 *per cent.* on the total collections might be levied, 20 *per cent.* would go towards incidental expenses, and 50 *per cent.* in prizes; and thus it would be possible for Government to get about Rs. 1 crore and to utilise that amount for Government needs, if Government would only do it. I expect that the total collections would amount to Rs. 5 crores, as Rs. 2 crores will be subscribed in Bengal alone, and not only other parts of India but other countries in the world will subscribe the remainder. With these observations, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Three substantially identical motions have been tabled for the circulation of the Bill. I choose the Hon'ble Mr. Woodhead's amendment for discussion.

The Hon'ble Mr. J. A. WOODHEAD: Sir, I beg to move that the Bengal State Lotteries Bill, 1933, be circulated for the purpose of eliciting opinion thereon before the 30th November, 1933.

Sir, Government's attitude in the past towards public lotteries either for general revenues or for the benefit of local authorities or for associations interested in charitable objects is well known. It has been one of opposition on the ground that lotteries are definitely mischievous and should not be encouraged in any way by Government action. I tried to explain the reasons why Government had maintained that attitude in the past in connection with a motion moved by Mr. P. Banerji during the Budget session, and I fear I must ask the House to bear with me while I repeat those reasons now. The first objection to lotteries arises from the evil social effects that follow in their trail, particularly in the trail of large lotteries, and obviously what Mr. Banerji contemplates is large lotteries, because he speaks of earning Rs. 5 crores out of which he proposes to allocate Rs. 1 crore for public and charitable purposes. A large lottery represents gambling in its easiest form. All you have got to do is to buy a ticket and hope for the best. Government's view has been that it is undesirable that money should be raised for a public purpose or for any

purpose by appealing to the gambling instincts of the people—instincts against which legislation has been passed in every country including India. Mr. Banerji attempted, if I understood him correctly, to establish that a lottery was not gambling. He said gambling was a game of chance, but, Sir, I can conceive of nothing more of a game of chance than paying ten shillings in, say, the Irish Sweepstake in order to obtain a prize of £30,000. That is the main objection to lotteries, and Government in the past have steadfastly held to the view that money for public purposes should not be raised by appealing to and encouraging the gambling instincts of the population at large. A lottery if it is to be a large one must depend very largely upon advertisement for its success; if it is not advertised widely the subscriptions will not be large. By the advertisement of the tremendous prizes offered, people are lured into buying tickets and many people who cannot afford to pay even the price of a ticket are induced to buy a ticket and to divert on the mere chance of obtaining a large prize money which they could have spent better otherwise.

Again, as I tried to stress in March, another reason why Government in the past have opposed lotteries is that a system of lotteries is a most expensive way of raising money. Mr. Banerji himself admits that. He hopes to obtain Rs. 1 crore, but in order to raise Rs. 1 crore he has to take Rs. 5 crores from the pockets of the people. Surely, Sir, that is a most inefficient way of raising taxation. Out of Rs. 5 crores it will probably be necessary to spend one crore on expenses and the balance of Rs. 3 crores goes to the relatively favoured few. Again, I believe I shall be correct when I say that considered opinion has always condemned lotteries as a system of raising revenue.

That has been Government's attitude in the past and, Sir, that attitude has recently received considerable support from the report of the Royal Commission on Lotteries and Betting in England, published in June last. I would particularly ask members who are interested in the subject to read that report carefully; it is well worth reading. The Royal Commission examined this question of State lotteries very carefully, and the conclusion they came to was that they could not be supported. They said "We, therefore, reach the conclusion that none of the three alternative methods of promoting public lotteries discussed above, is desirable in itself. We do not think that any of these three schemes would have been put forward for serious consideration but for the situation created by the Irish Sweepstakes." The reasons which led them to this conclusion, are largely those which I placed before the House in March last and which I have just repeated. With your permission, Sir, I will quote one or two passages from there. They say: "Apart from this contention, the force of which we fully recognise, the main objections to State lotteries are those common to all large lotteries, namely, the social effects."

"Lotteries appeal with especial force to those in straitened circumstances, and to those in economic insecurity, since they hope to gain financial stability by winning a prize. The number of people in such circumstances is unfortunately high, and lottery tickets are purchased with money that for the sake of well-being should have been spent otherwise."

"Lotteries depend for their success upon the blatant advertisement of large money prizes. They tend to exalt the results of chance and to encourage a belief in luck, while the draw and the announcement of the results give rise to an unwholesome excitement." Then they go on to say "All serious writers who have recorded their views upon the subject have roundly condemned large public lotteries . . . . . ."

"In the history of public finance lotteries take their place among the expedients which are resorted to when other and more reputable methods of finance have failed. It is significant that in this country lotteries were abandoned when more assured sources of income became available to the State."

Mr. Banerji attempted an historical review, but unfortunately he missed one of the most important historical points that is to be found in Appendix II to the Royal Commission's Report. Public lotteries were held in the United Kingdom and also in Calcutta during the closing years of the eighteenth century and the early years of the nineteenth century. It is well known, and I believe, Mr. Armstrong referred to it on another occasion, that the Calcutta Town Hall and many of the streets in Calcutta were built out of the proceeds of lotteries. In the early years of the nineteenth century, however, public opinion began to turn definitely against lotteries. In 1808 a Select Committee of the House of Commons reported on lotteries and with your permission, Sir, I would like to quote from their report. They said: "In truth, the foundation of the lottery is so radically vicious, that your committee feel convinced that, under no system of regulations which can be devised will it be possible for Parliament to adopt it as an efficient source of revenue, and at the same time divest it of all the evils and calamities of which it has hitherto proved so baneful a source."

"A spirit of adventure must be excited amongst the community, in order that Government may derive from it a pecuniary resource. That spirit is to be checked at a certain given point, in order that no evils may attend it—the latter object has not hitherto been attained, with all the pains which have been bestowed upon it. Your Committee are of opinion that its attainment is impossible."

* * * * * *

"In the meantime, your Committee find that, by the effects of the lottery, even under its present restrictions, idleness, dissipation and

poverty are increased, the most sacred and confidential trusts are betrayed, domestic comfort is destroyed, madness often created, crimes, subjecting the perpetrators of them to the punishment of death, are committed, and even suicide itself is produced, as will fully appear by the Evidence submitted to the House."

That is the report of a Committee which sat over 100 years ago and which was reporting on the position created by public lotteries held over a considerable period of years. Still lotteries continued for some years longer, but were finally abandoned, partly no doubt in consequence of the Committee's report, about the year 1820. Public lotteries in Calcutta also were discontinued about the same time.

As I have explained, Government have for over a hundred years maintained an attitude of opposition to lotteries and I think it will be correct to say that Government's attitude has been supported by public opinion.

The object of the Bill is not to change the law, but to obtain the approval of the Legislative Council to State and quasi-State lotteries. That, Sir, will involve a complete reversal of past policy, and I suggest that before a policy, which has received public support for so long a period, is abandoned, it is right and proper that public opinion should be given an opportunity of expressing itself, particularly when—and to this Mr. Banerji's speech bears testimony—it is clear that the demand for public lotteries would not have been made if it had not been for the situation created by the Irish Sweepstakes. Before the House takes into consideration a matter of such importance as this, it is, I would urge, essential that public opinion should be obtained. Again, the Bill seeks to authorise under permits the holding of lotteries by the Calcutta Corporation, District Boards, Municipalities and other Associations, and it is only proper that before the House decides to authorise these bodies to conduct public lotteries, that they should know what those bodies themselves think on this particular subject.

I, therefore, hope, Sir, that the House will accept my motion for the circulation of the Bill for eliciting public opinion.

Rai Bahadur KESHAB CHANDRA BANERJI: I am unable to decide whether to support or to oppose the Bill. It appears from the facts and figures quoted by Mr. Banerji in support of his motion that he has made a thorough study of the subject. The main object of the Bill, as has been already explained by the mover, is to augment the resources of local bodies, such as District Boards, Municipalities and public associations, in order to provide for the amenities of rural and civil life. Sir, as one who has been in charge of the administration of local bodies in the *mufassal* for many years, I feel that want of funds stands in the way of progress in various directions, such as provision for medical relief, sanitation, water-supply, education and

improvement of agriculture and industries in Bengal. But, Sir, whatever disabilities we may be labouring under for lack of funds, there is a growing public opinion in the country against the holding of lotteries. The system of raising money by lotteries has good as well as evil effects. It is desirable, therefore, that public opinion should be consulted before the measure is rushed through the Council. I do not agree with the Hon'ble Mr. Woodhead in what he has said in explaining the attitude of Government towards public lotteries, for in spite of Government's opinion, I should say definite opinion, against lotteries as a means of raising money for public purposes, lotteries are being conducted in the province, openly and systematically. It is well known, Sir, that large amounts are collected by athletic clubs such as the Rangers Club and other Indian clubs in Calcutta, in order to supplement their own resources; but I am not aware of any instance in which Government in spite of their definite policy against the holding of lotteries has done anything to stop them. Sir, I do not wish to dilate on the subject, but speaking generally I think the local bodies and associations being directly concerned in the matter, should be given an opportunity, as has rightly been pointed out by Mr. Woodhead, to express their opinion on this important question.

With these words, I support the amendment for circulation.

Mr. W. H. THOMPSON: There is little that I can add to assist the last speaker who addressed the Council to make up his mind how to meet the difficulty that faces him. Mr. Woodhead has said practically all that has to be said and said better than any one else could have done. But on plain economic grounds there seems to be no doubt in my mind that a lottery is unsatisfactory. Those who subscribe to lotteries are generally poor people. The attraction of the lottery is greater in proportion to the glamour which attaches to the prizes and that glamour depends very much on the need for money on the part of the investor. Now, a lottery with ten-rupee tickets is subscribed by a whole lot of people—people mostly to whom ten-rupees means a full whole ten-rupees, and if they keep it and spend it in the usual way, they may get its full value. When a man who would otherwise get the full value of his ten rupees puts it into a lottery, ten rupees of useful money goes into a common pool, and the amount in the pool goes to one man who wins the lottery. The last ten rupees that went into a pool, went in as a valuable ten rupees but comes out only as an inconsiderable extra ten rupees added to a prize which is already several lakhs. To the winner it turns into a mere *bagatelle*. There is no doubt that all these lotteries result in this manner in a harmful dissipation of wealth and on that ground my objection to lotteries in general must prevail with me. The European group would have been

inclined to vote in favour of throwing this Bill out altogether, but we feel that, better than that, will be to have it thrown out by public opinion after circulation.

Mr. W. L. ARMSTRONG: Sir, in supporting Mr. Woodhead, I agree that it is a controversial matter and that there are various opinions about lottery. I have already made known my views on the expansion and maintenance of hospitals by means of State lotteries, and this Bill is not quite the thing which I should like to have. I think it is our responsibility to see that public opinion is invited and those who are in favour of this or any similar measure should endeavour to persuade public opinion in this direction. The success of such a measure will depend upon the reception it receives from the public. I am not at all impressed by all this moral attitude. As a businessman I find it impossible to get on without some element of chance. I hold two tickets in the coming Irish Sweep, and I do not contemplate suicide or other terrible crimes, as described by Mr. Woodhead while quoting from the Commissioner's Report. I have known of suicides from the gaming tables, of suicides from horse races, and of suicides from unsuccessful speculations, but I defy that Commission to point to instances of suicide as a result of investment in State lotteries. It is a cash business—you cannot have a book-bet. The ten rupees upon which so much emphasis has been laid may be very valuable or useful to a man, but that ten rupees cannot provide him with a trip to Puri to recuperate his health or buy him a suit of clothes such as he would care to wear. On the other hand, if he puts this money into a lottery, he has not one but many chances offered to him of improving his lot, and it affords him a certain amount of amusement. If he loses, he says that he did not expect to win, but is content to wait until he has an opportunity of getting another shot in the following year.

There has been official condemnation of lotteries, but the question of lottery is dependent entirely upon the manner it is run. If it is run well no one will be the sufferer except to the extent of the amount of money which he invests. But, as I say, it is a controversial matter. I hold my own opinion, and I would like to hear public opinion on the matter, and if public opinion is generally against it or projects of similar nature, then, as a representative of an important community in this House, I have to respect public opinion.

We all know of examples of people favoured by chance. In fact, half the wealth of the world is distributed as an element of chance. We know that many of the richest people could never have the money they possessed except with an element of chance. If it were possible for small weekly savings of say £1 or £2 to be put aside by a man since 4004 B.C. which some Biblical chronologists claim to be the date of birth of Adam—about which of course I know little—the accumulation

of wealth over that long period would not amount to anything like the wealth which has found its way to certain individual pockets. If I win money through a lottery, I shall consider myself just as good a citizen as any individual who has amassed a fortune through any business, although our respective positions may be viewed from widely different standpoints. These may not be the ideals of Herbert Spencer, or John Stuart Mill or Proudhon or Marx. It is not their ideal either that this province should have inadequate hospital accommodation. If we can secure adequate hospital accommodation through the aid of lotteries, we must have them. My theory is that every child born unto this world has the right to live. As a matter of fact we have by law deprived men of the right to die at his own pleasure. That being so, if we do not employ all the powers of science to provide comforts for the sick, then Sir, all the high ideals and economic principles which moralists and political economists talk about are unsound and bad economics. Sir, I support Mr. Woodhead's amendment.

The Hon'ble Mr. J. A. Woodhead's motion was then put and agreed to.

The Calcutta Municipal (Amendment) Bill, 1933.

Mr. P. BANERJI: Sir, I beg leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Mr. P. BANERJI: I beg to move that the said Bill be taken into consideration.

In doing so, I must first of all refer the members of the House to my Statement of Objects and Reasons. As I have said, there are several plural constituencies and this was not the intention of the sponsor of the Bill. But for want of time and on account of so many hundreds of amendments and Select Committee sittings till 8 p.m. or later in the evening, it was not possible to get these items of business done properly, because it naturally takes some time to fix the areas of wards, etc. Sir, the principle of this Bill has already been accepted by this House when it accepted the Bill of Munindra Deb Rai Mahasai for the separation of the Kalighat Ward. I may also remind the Hon'ble Minister that when that Bill was under discussion, we were given to understand that such a legislation could not be accepted piecemeal, but that if somebody brought forward a measure that would turn all the plural constituencies into single ones, it would be quite acceptable to Government. Now, Sir, I have brought forward this measure and along with this I have brought two other clauses to be introduced,

namely, to bring in nine members from the Trade Unions of Calcutta. There is no labour representatives on the Corporation while, Sir, in Bombay we find that there are already six labour representatives on the Bombay Corporation, and still they are not satisfied, and they are fighting for more representatives. If we, Sir, go into the details we find that Calcutta has a population of 12 lakhs of people of which 9 lakhs are labourers. These 9 lakhs of people are unrepresented, because there is nobody to speak on their behalf. Under the old policy we always ignored labour and did not give them any place in the society, but with the development of democracy we are now convinced that labour has come to play an important part everywhere as will be evidenced from the fact that the destinies of England are at present in the hands of a labour member. Now in these days of democracy, although we cry from housetops that we support democracy, in actual practice labour is always left in the lurch. In the city of Calcutta there are about 9 lakhs of labourers, and I have suggested nine members to represent them, *i.e.*, one for each lakh. Government is aware that there are nine registered labour organisations, all registered with Government and also with the Bengal Trade Union Federation. If at least one member is taken from each of them, then from that side also nine members ought to find seats in the Calcutta Corporation. Then I have suggested one representative from another labour union, *i.e.*, the Bengal Bus Syndicate. In the nine registered bodies mentioned by me, there is no transport organisation. In a city like Calcutta it is very useful for quick service. A large number of men are employed in this bus organisation as owners, drivers and conductors. They should also have a representative, because we often complain of many defects in the service. If a representative of that organisation gets a seat in the Corporation and comes in touch with the people, naturally through him a lot of things can be done. I say from my experience that Kalighat which was so long neglected is now being represented by one of its people with the result that he is looking after the interests of the locality. Similarly, if we fix the responsibility on a particular individual, the result will be that the public service will be much more efficient than at present. It may not be out of place to mention here that under the existing system in the Bhowanipore Ward there are three Councillors and if a rate-payer goes to any particular Councillor for anything, he is referred to the other two Councillors and so on, whereas since the separation of Kalighat as a result of the measure introduced by Rai Mahasai, it has been a boon to the people of Kalighat. I, therefore, hope that Government will see its way to accept this measure. With these words I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Several substantially identical amendments for the circulation of the Bill have been tabled. I decide that the Hon'ble Minister's motion should be moved.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th November, 1933.

At the ouset, I must point out that the hon'ble mover's Bill is a fantastic one. He suggests that there should be single-seated constituencies, but I would remind him that with reservation of seats for the minority communities, single-seated constituencies in Calcutta are out of the question. If one seat has to be reserved for the Muhammadans, there cannot be single-seated constituencies in Calcutta. It would be an absurd proposal to have them. The next point is that there is no such thing as the Muhammadan constituency, because joint electorates have been introduced in the Calcutta Corporation and single-seated constituency is not possible.

Nowhere do I find in the report of the proceedings of the discussions on Rai Mahasai's Bill for the separation of Kalighat that I promised that Government would welcome any such proposal that there should be single-seated constituencies. The hon'ble mover has seriously mentioned it in his Statement of Objects and Reasons. I wish he had carefully consulted the proceedings of this House before he mentioned it in a document like this.

Coming to the provisions of the Bill itself, the mover says that there should be so many as nine constituencies for labour, because the labour population of Calcutta is 9 lakhs that is a figure for which he is responsible. I do not find, however, anywhere that there is 9 lakhs labour population in the city. From the census reports it appears that altogether in the whole of Bengal there is 5 lakhs labour population including factory labour, and a few registered trade unions. Then he suggests that one seat should go to the Bus Syndicate. Why? Does it mean a pocket borough for the member? If the Bus Syndicate have a seat, why should not there be a seat for the milkmen, why should not there be a seat for the *chunawallas*, why should not there be a seat for the *bhujawallas* and so on? Why should there be a special concession to the Bus Owners' Syndicate whose cause the mover champions? The Corporation is vitally interested in this matter, and it is only fair and reasonable that that body should be given a chance of expressing their opinion on it. I would have advised the House to throw out this Bill as it is a fantastic proposal, but as Government do not like to oppose the introduction of any measure, I move that the Bill be circulated, and I hope the House will accept my motion.

The Hon'ble Sir B. P. Singh Roy's motion was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 15th August, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 15th August, 1933, at 3 p.m

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 95 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Control of tramway and bus traffic by the Traffic Police.

*30. **Mr. P. BANERJI:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the Traffic Police in Calcutta have no power either to control tramway traffic with reference to road obstructions, overcrowding, parking in the streets and fixation of stops at passenger points nor have they the power to test the fitness of the vehicles before or after they are put on the road or to license the drivers and conductors before they are given charge of trams?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government have been approached by the Commissioner of Police to grant him necessary powers?

(c) Do the Government propose removing this differential treatment, between the trams and other vehicular traffic in Calcutta, by fresh legislation if necessary?

(d) Are Government aware that it is known that the Traffic Police of Calcutta feed the trams with passengers by driving away buses and letting trams stop and pick up passengers especially at cinemas and theatres and on occasions of festivals like the Puja rush at Kalighat and at Sealdah station?

(e) Is the Hon'ble Member aware that the Police institute cases and obtain convictions against buses simply on the complaint of the tramways that a particular vehicle happened to come in front of a tram?

(f) Are the Government considering the desirability of issuing any orders to the Police not to institute such cases without a proper inquiry?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) The member is referred to sections 24, 27 and 28 of the Calcutta Tramways Act, 1880, and section 62(*b*) of the Calcutta Police Act (1866).

(*b*) and (*c*) Do not arise.

(*d*) No.

(*e*) The Police institute cases on complaints in writing and forward them to court for disposal.

(*f*) Does not arise.

Mr. P. BANERJI: With reference to answer (*d*), will the Hon'ble Member be pleased to state whether he made any inquiries into the matter?

The Hon'ble Sir WILLIAM PRENTICE: I got the information required to answer the question.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state the source of the information?

The Hon'ble Sir WILLIAM PRENTICE: The authorities responsible.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether the authorities are the Police authorities?

The Hon'ble Sir WILLIAM PRENTICE: Certainly they are among them.

Motor buses in Calcutta.

***31. Mr. S. M. BOSE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the years 1931-32, 1932-33 and 1933-34 (up to June, 1933)—

(*i*) what is the number of reported accidents involving motor buses in Calcutta;

(*ii*) the number of persons killed;

(*iii*) the number injured;

(*iv*) in how many cases the drivers of motor buses involved in accidents have been arrested; and

(*v*) in how many cases the arrested drivers have escaped?

(*b*) What is the number of non-Bengalis holding licenses to drive public vehicles at present?

(*c*) Are the names, addresses and history of the applicants for such licenses coming from outside Bengal properly verified?

(*d*) Are the Government considering the desirability of introducing a system of registration of drivers of public vehicles with two sureties, to enable proper control to be exercised over such drivers?

(*e*) Are the Government also considering the advisability of insisting upon a literary qualification, say, reading up to the school-leaving certificate or the matriculation standard for applicants for license to drive public vehicles?

(*f*) Is the Hon'ble Member aware of a public outcry regarding the danger caused to public safety by reckless driving of buses?

(*g*) If so, what steps are being taken to ensure greater control over buses?

The Hon'ble Sir WILLIAM PRENTICE: (*a*) (*i*) to (*v*) A statement is laid on the table.

(*b*) 3,838.

(*c*) Yes.

(*d*) and (*e*) No.

(*f*) There have been complaints.

(*g*) The question of improvement of traffic conditions in Calcutta is still under investigation, but it is generally recognised that during the past two or three months there has already been an improvement.

Statement referred to in the reply to starred question No. 31 (a) regarding reported accidents involving motor buses in Calcutta.

	1931-32.	1932-33.	1933-34 (up to June, 1933).
(*i*) Number of reported accidents involving motor buses in Calcutta ..	860	798	308
(*ii*) Number of persons killed ..	22	18	7
(*iii*) Number of persons injured ..	230	203	46
(*iv*) In how many cases the drivers of motor buses involved in accidents have been arrested	119	97	37
N. B.—A number of cases reported as accidents is non-cognizable.			
(*v*) In how many cases the arrested drivers have escaped	3	2	1

Note.—These figures relate to drivers who absconded while on trial.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state when the result of the investigation will be published?

The Hon'ble Sir WILLIAM PRENTICE: I do not know. The Commissioner of Police has issued letters to interested parties, but I do not know how the discussion has gone on.

Bus service.

*32. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to inquire if it is a fact that the Calcutta Police instead of giving facilities to bus service, stand in the way of buses in giving proper service to the public by—

(*1*) refusing to fix bus stops near street junctions, cinemas and other public places of importance and denying buses legitimate halting time at bus stops to set down and pick up passengers;

(*2*) stopping buses loaded with passengers from proceeding in the streets for examination of paint, speed, etc.;

(*3*) suspending registration of buses on grounds like dirty paint or a sidelight or window glass broken and delaying restoration of registration;

(*4*) taking buses to thanas from the middle of the journey along with passengers for practically no infringement of traffic rules or for petty warrants against drivers and detaining them at the thanas till bail is found for the drivers; and

(*5*) suspending licenses of bus employees, after five convictions even for petty cases?

(*b*) Will Government be pleased to take steps to give legitimate scope to the buses to maintain the existing cheap and quick service to the public?

The Hon'ble Sir WILLIAM PRENTICE: (*a*) (*1*) Parking or stopping of any vehicle within 20 feet of any street junction or intersection or in front of cinemas or other places of public amusement is prohibited under the Traffic Rules in order to facilitate the flow of traffic. In this way and otherwise "bus stops" are arranged at the most convenient points, which in the majority of cases have been fixed in consultation with the officers of the Bengal Bus Syndicate. Every facility is given to buses to pick up or set down passengers at "bus stops."

(2) Examinations of mechanical condition of buses are not done on route, but at the "bus stands," *i.e.*, at the terminal points of the route. A bus travelling at an excessive speed is liable to be stopped anywhere, whether full or empty.

(3) Registration is suspended only when the defects are such that the bus is or is likely to become unfit for service or is not maintained in such a condition as to prevent danger to the public.

(4) These allegations are unfounded. A warrant issued against a driver is executed only at a terminal point of the route allotted to his bus.

(5) Licenses are not suspended until their holders have shown that they are not amenable to ordinary warnings and fines.

(*b*) This is the policy of Government, so long as the owners, conductors and drivers of buses are careful to observe the rules and regulations prescribed under the Motor Vehicles Act.

Mr. P. BANERJI: With reference to (*a*) (*i*), is the Hon'ble Member aware that the Calcutta Bus Syndicate has applied to the Police for the change of the bus stops?

The Hon'ble Sir WILLIAM PRENTICE: I think that is one of the matters which is at present under the consideration of the Commissioner of Police in consultation with people interested.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to direct the Police authorities to fix the bus stops at places suggested by the Bus Syndicate?

The Hon'ble Sir WILLIAM PRENTICE: Their decision cannot be final, but it will be taken into consideration.

Rai Bahadur KESHAB CHANDRA BANERJI: Why are there no bus stops within 200 yards of the Esplanade Junction towards the south?

The Hon'ble Sir WILLIAM PRENTICE: I am afraid I do not know.

District Judge's sheristadars.

*33. **Maulvi NUR RAHMAN KHAN EUSUFJI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the present number of the District Judge's sheristadars, who are holding their posts as such in the same station for more than ten years;

(*ii*) how many of the District Judge's sheristadars are Muhammadans and how many of them are members of the depressed classes; and

(*iii*) the reasons for which the ordinary ministerial officers are promoted to this post?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir William Prentice): The member is referred to answers laid on the table to similar questions by Maulvi Hassan Ali at this meeting.

Suspension of court work on Fridays for Juma prayers.

*34. **Maulvi MUHAMMAD HOSSAIN:** Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that the circulars to suspend all works on Fridays from 12-30 to 2 p.m. in all civil, revenue and criminal courts to give facility to Muslim litigants, pleaders and muktears to say their *Juma* prayer, are not strictly observed by many trying magistrates and munsifs; and

(*ii*) that the Muslim public are put to much inconvenience in many districts particularly in the district of Bakarganj?

The Hon'ble Sir WILLIAM PRENTICE: (*i*) and (*ii*) No.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that Courts are sometimes held by presiding officers on the plea that parties have agreed?

The Hon'ble Sir WILLIAM PRENTICE: I am not aware; but, if any party is aggrieved, he can always apply to the District Judge or the District Magistrate and he will look into it.

Maulvi SYED MAJID BAKSH: If a Court is held on that plea, will it or will it not be going behind Government orders?

The Hon'ble Sir WILLIAM PRENTICE: That question surely is hypothetical.

Mr. PRESIDENT: I do not allow that question.

Waiting room at Tepakhola steamer station.

*35. **Rai Sahib AKSHOY KUMAR SEN:** Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that there is no waiting room for the passengers at the Tepakhola (Faridpur) steamer station?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): The India General Navigation and Railway Co., Ltd., report that when Tepakhola station is situated on a char outside the ghat during the dry season a passenger waiting shed is provided. In the rains, when the station is situated inside the *khal* no passenger waiting shed is provided, as the S.L. *Damdim* is available for passengers to wait on.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Member aware that passengers' shed erected in the dry season is not sufficient to accommodate passengers?

The Hon'ble Mr. J. A. WOODHEAD: No, Sir, I am not aware of that.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member quite sure that the passengers are allowed to wait by the crews of the *Damdim*?

The Hon'ble Mr. J. A. WOODHEAD: I would refer the hon'ble member to the reply I have already given.

Bengal Legislative Council Election.

*36. **Maulvi ABDUL HAKIM:** (*a*) Is the Hon'ble Member in charge of the Appointment Department aware that cases occurred in the past in the elections to the Bengal Legislative Council in which one candidate's vote has been recorded in the name of another in the case of illiterate voters?

(*b*) If any such cases were instituted in any courts in any districts, will the Hon'ble Member be pleased to state the number of such cases?

(*c*) Is it a fact that votes are recorded in a solitary room by the polling officer and neither any spectator nor any polling agent is allowed by rule to be present?

(*d*) Are the Government considering the desirability of providing in the election rules under the new constitution that the polling agents of each candidate may sit by the polling officer to see the recording of votes?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) No such case has been brought to the notice of the Government.

(*b*) Government maintain no records of such cases.

(*c*) Yes, in a screened compartment, *vide* Regulations XXVIII and XXXIV of the Regulations for the election of members of the Bengal Legislative Council.

(*d*) No.

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state the reasons why votes are so recorded even in the case of literate voters, when there is every likelihood that the polling officer may be gained over by one of the parties?

The Hon'ble Sir WILLIAM PRENTICE: I am afraid these are the regulations laid down 10 or 12 years ago, but why they were then prescribed, I cannot now say.

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state the reason why election rules cannot be changed so as to allow the agent to sit by the side of the polling officer to watch his action?

The Hon'ble Sir WILLIAM PRENTICE: I shall have the point noted for consideration in connection with the regulations for the new elections.

Khan Bahadur Maulvi AZIZUL HAQUE: If this is done, will the Hon'ble Member be pleased to state whether it would not take away entirely the secrecy of the ballot?

The Hon'ble Sir WILLIAM PRENTICE: That is of course also one of the points which will have to be considered. (Laughter.)

Hunger-strike of the female prisoners in the Midnapore Central Jail.

*37. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact—

(*i*) that Miss Bina Das, Miss Sunity Choudhury, Sm. Sabitri Debi and other female prisoners lodged in the Midnapore Central Jail started hunger-strike in the month of May, 1933;

(*ii*) that they subsequently broke their hunger-strike on the understanding given to them by the authorities concerned that their grievances would be inquired into?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) whether any such inquiry was made by the authorities concerned, and if so, with what result; and

(*ii*) what were the specific grievances for which the hunger-strike was started?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) and (*ii*) On the 2nd May three women convicts, Bina Das, Santi Ghosh and Sunity Choudhury, went on hunger-strike. On the 4th May a few other female prisoners were induced to stop work and refuse food, but they resumed both on the following day. The other three gave up their hunger-strike on the 9th May after Bina Das had had an interview with her father.

(*b*) (*i*) and (*ii*) The cause of the hunger-strike on the 2nd May was stated to be the separation of Division III from Division II prisoners. Sunity Choudhury who was a Division III prisoner and had been allowed to stay with Bina Das, a Division II prisoner, for company, was removed on the 1st May after the arrival of Santi Ghosh, a Division II prisoner from Rajshahi. On the 2nd May a Division III civil disobedience prisoner who had come to the quarters of Bina and Santi was turned out by the wardress on duty in accordance with the rules. On the 4th May the complaint was made that the conduct of the jailor, a Muhammadan, with the matron, a Hindu, was unbecoming. This was a complaint which had been made and been inquired into 3 months previously and found to be baseless. On the 5th May, however, the complaint was again inquired into and other convicts examined, and it was again found to be without foundation.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state whether a complaint about the conduct of the jailor with the matron was made by either of these three prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, it was made by Bina Das.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state whether that complaint was also one of the causes of the hunger strike?

The Hon'ble Sir PROVASH CHUNDER MITTER: So it was alleged by Bina Das.

Mr. R. MAITI: Are the jailor and the matron still there?

The Hon'ble Sir PROVASH CHUNDER MITTER: A full inquiry was made and they have been completely exonerated.

Mr. R. MAITI: Has any of the three prisoners mentioned been removed from the Central Jail to elsewhere?

The Hon'ble Sir PROVASH CHUNDER MITTER: About one I have already replied. About the others I cannot say without notice.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state why, if an inquiry was made three months previously and the charge was found to be baseless, another inquiry was found to be necessary?

The Hon'ble Sir PROVASH CHUNDER MITTER: It was not considered necessary, but as that was made the occasion of the hunger strike, another inquiry was made.

Appointment of sub-inspectors from depressed classes.

*38. **Mr. MUKUNDA BEHARY MULLICK:** Will the Hon'ble Member in charge of the Police Department be pleased to state—

(i) the number of appointments made as sub-inspectors of police by direct recruitment in 1932 on the nominations of the different authorities;

(ii) the qualifications of the candidates appointed as such;

(iii) the number of candidates from amongst the depressed classes for these appointments from the different districts;

(iv) the qualifications of the candidates mentioned in (iii) above;

(v) the number of nominations, if any, made from amongst these candidates by the several nominating authorities; and

(vi) the number of appointments, if any, made amongst them?

The Hon'ble Sir WILLIAM PRENTICE: (i) 73.

(ii) M.A. 4, B.L. 2, B.A. 44, B.Sc. 6, I.A. 5, I.Sc. 3 and Matric 9.

(iii) and (iv) The information in respect of appointments in the Bengal Police is not available. For the Calcutta Police the number of depressed class candidates was six—all graduates.

(v) 3 (1 Namasudra and 2 Kalus).

(vi) 1 (Namasudra).

Mr. MUKUNDA BEHARY MULLICK: With reference to (iii), will the Hon'ble Member be pleased to state the reasons why this information is not available?

The Hon'ble Sir WILLIAM PRENTICE: Because the records of the Sub-Inspectors of Police are all kept in the districts. The local authorities consisting of the District Magistrate and the Superintendent of Police make the selection and their records are kept in the districts.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state whether the Government will be prepared to deny the fact that there are at least two dozen graduate candidates from these classes besides many other under-graduates from various districts?

The Hon'ble Sir WILLIAM PRENTICE: Not having the information, I can neither affirm nor deny.

Mr. MUKUNDA BEHARY MULLICK: With reference to (vi), will the Hon'ble Member be pleased to state if the appointment has been made in the Bengal Police or in the Calcutta Police?

The Hon'ble Sir WILLIAM PRENTICE: I should think the Bengal Police.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state whether he considers one appointment out of 73 last year quite sufficient so far as the depressed classes are concerned?

The Hon'ble Sir WILLIAM PRENTICE: That is a matter of opinion.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state whether he considers candidates to be best qualified that matriculate for appointment as Sub-Inspector of Police?

The Hon'ble Sir WILLIAM PRENTICE: Educational qualifications are not the only consideration in selecting candidates for the Police. I have done the selection myself for many years. You see the men, you see their physique, their general fitness, etc., and you select the best man.

Mr. MUKUNDA BEHARY MULLICK: What other qualifications are taken into consideration in selecting candidates?

The Hon'ble Sir WILLIAM PRENTICE: Mr. Mullick himself has been in a Selection Committee and he knows very well what he takes into account in selecting a candidate.

Rai Bahadur KESHAB CHANDRA BANERJI: What was the total number of recruits in 1932 as out of which 73 are depressed classes?

The Hon'ble Sir WILLIAM PRENTICE: The number 73 is the number of appointments made.

Survey and settlement operations at Arambagh, Hooghly.

*39. **Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that survey and settlement operations are being carried on in the various *mauzas* in the police-station Arambagh within the Arambagh subdivision of the district of Hooghly *ex parte* in the absence of tenants, and sometimes in the absence of responsible officers of the Settlement Department in the fields;

(*ii*) that as a result of that many plots of land belonging to the absentee tenants are being entered in the *khas khatian* of the landlords, for which they shall have to bear the whole expenses of these survey and settlement operations for no fault of theirs; and

(*iii*) that both the landlords and the tenants shall have to bear unnecessary expenses to get the wrongly entered records corrected?

(*b*) Is the Hon'ble Member aware of the grounds for which the tenants have been abstaining from taking part in these survey and settlement operations?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps the Government propose taking in these matters?

(*d*) Are the Government considering the desirability of instituting an early inquiry into these matters with a view to taking steps to remove the grievances of both the landlords and the tenants?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) The allegations are not correct.

(*ii*) If a tenant is absent the draft record is prepared after inquiry from the landlord or his agent, if present, and from other tenants having lands in the vicinity. Government are not aware of any case in which tenanted lands have been entered in the *khas khatians* of landlords in the absence of the tenants, though not claimed as *khas* by the landlords or their agents.

(*iii*) They may have to bear some expenses if incorrect records have been made owing to their failure to give correct information.

(*b*) It is reported that in a very small number of villages some tenants were induced by agitators not to attend at the earlier stages, but most of them attended at later stages.

(*c*) No steps appear to be necessary.

(*d*) If any specific instances of grievance are brought to the notice of Government, inquiry will be made.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the absence of the tenant is presumed from the entry in the *khas khatian* or whether the Hon'ble Member has got the information that a particular tenant was absent on a particular occasion?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no personal knowledge, but presumably if the tenants were present there, they would put forward their claims.

Maulvi SYED MAJID BAKSH: Since the land has been entered, is it presumed that the tenant was absent?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Health Circles in Tippera.

*40. **Babu KHETTER MOHAN RAY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to lay on the table a statement showing—

(*i*) the names of the health circles in each of the districts of the province;

(*ii*) the total population; and

(*iii*) the area in square miles of each of those circles?

(*b*) Is the Hon'ble Minister aware that the single circle Sanitary Inspector finds it difficult to attend to the heavy population in each of the health circles of the Tippera district, especially in the health circles of Daudkandi, Nabinagar, Chandina, Laksham, Chandpur, Matlab, Muradnagar, Choudhugram, Brahmanbaria?

(*c*) Will the Hon'ble Minister be pleased to state the number of deaths from cholera in the years 1927 to 1932 and in the months of March, April and May of 1933, in the district of Tippera?

(*d*) Have the Government received any representation from the district board of Tippera praying for the creation of ten more centres?

(*e*) If so, have the Government considered the same?

(*f*) What steps do the Government intend taking to prevent the heavy mortality from cholera in the district of Tippera?

MINISTER in charge of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The compilation of such a statement would involve an expenditure of time and labour which cannot be afforded. The health circles normally coincide with the rural thanas except that there are none of them in Darjeeling district, the tea garden areas of the Jalpaiguri Duars, the Chittagong Hill Tracts, the area under the Asansol Mines Board of Health and the uninhabited tracts of the Sunderbans.

(*b*) A report to this effect has been received from the Chairman of the Tippera district board.

(*c*) A statement is laid on the table.

(*d*) Yes, on the 30th July, 1933.

(*e*) Not yet.

(*f*) The Bengal Public Health Department deputed an Assistant Surgeon and three sanitary inspectors to help the local authorities and have supplied 1,08,180 c.c. of anti-cholera vaccine since the beginning of the current year.

Statement referred to in the reply to starred question No. 40 (c), showing the number of deaths from cholera in the Tippera district during the years 1927 to 1932 and in the months of March, April and May, 1933.

Year.		Number of deaths from cholera.
1927	...	6,530
1928	...	6,498
1929	...	5,113
1930	...	3,986
1931	...	5,116
1932	...	2,946
1933—		
March	...	555
April	...	1,055
May	...	280

Khan Bahadur Maulvi AZIZUL HAQUE: In view of the fact that there are Health Circles where the population is very large, will the Hon'ble Minister consider the desirability of permitting the District Boards of Bengal to redistribute the areas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government had no occasion to consider this proposal.

Babu KHETTER MOHAN RAY: With reference to (*d*), will the Hon'ble Minister be pleased to state whether Government have considered the question of creating a new Health Circle in the district of Tippera as reported by the Chairman of the District Board.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The report was received only on the 30th of July and it is now under consideration.

Lottery tickets.

***41. Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that lottery tickets are being sold frequently in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state where the offices of these lotteries are situated?

(*c*) If the offices are situated in Bengal, are they authorised by the Government?

(*d*) Is it a fact that the majority of the offices situated in Bengal are owned by Christian Missionaries?

(*e*) If the answer to (*d*) is in the affirmative, what are the reasons for the permission so given to the Missionaries only?

The Hon'ble Sir WILLIAM PRENTICE: (*a*), (*b*), (*c*), (*d*) and (*e*) Government have no information which supports the statement that lottery tickers are being sold frequently in Bengal. It is against the policy of Government to authorise any public lottery and in no case has permission to run such a lottery been given. On the contrary, on the few occasions on which information regarding such public lotteries has been received, action has been taken to put a stop to them.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is not a fact that a lottery is held by the Calcutta Turf Club in connection with the Derby?

The Hon'ble Sir WILLIAM PRENTICE: No, it is a private club sweep.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member aware that law makes no distinction between private and public lotteries?

The Hon'ble Sir WILLIAM PRENTICE: As regards the law, I leave the hon'ble member to interpret it. I am not prepared to express an opinion.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he is willing to look into the legal position in connection with the Calcutta Turf Club sweep?

The Hon'ble Sir WILLIAM PRENTICE: Yes, if it is necessary.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Member aware that lottery tickets are sold by a number of athletic clubs on the *maidan* in Calcutta?

The Hon'ble Sir WILLIAM PRENTICE: Not public lottery tickets.

Mr. P. BANERJI: Is the Hon'ble Member aware that lotteries are run by St. Anne's, and St. Anthony's Orphanages?

The Hon'ble Sir WILLIAM PRENTICE: No, I am not aware of that.

Mr. P. BANERJI: Is the Hon'ble Member aware that in broad daylight in Bow Bazar such tickets are sold?

The Hon'ble Sir WILLIAM PRENTICE: I shall tell the Commissioner of Police that this information has been given.

Mr. P. BANERJI: Is the Hon'ble Member aware that banks in Calcutta are selling lottery tickets?

The Hon'ble Sir WILLIAM PRENTICE: If the hon'ble member will give me the names, I shall make an inquiry.

Mr. P. BANERJI: I can give him the names—the Imperial Bank, Lloyd's Bank, and the Mercantile Bank of Calcutta, and they sell the Irish sweep and the Derby sweep tickets.

Mr. P. BANERJI: Is the Hon'ble Member aware that there is a lottery ticket known as St. Leger being sold in Calcutta?

The Hon'ble Sir WILLIAM PRENTICE: That is a private club sweep.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to say what is the difference between a private club sweep and a public lottery?

The Hon'ble Sir WILLIAM PRENTICE: I am afraid that is too big a thing for a question.

Mr. SHANTI SHEKHARESWAR RAY: Have the Government ever made any inquiry into the matter?

The Hon'ble Sir WILLIAM PRENTICE: The subject of lotteries has been before the Government for very many years.

UNSTARRED QUESTIONS.

(answers to which were laid on the table)

District Judges' sheristadars.

11. Maulvi HASSAN ALI: Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the number of the District Judges' sheristadars who are holding their posts as such in the same station for more than ten years;

(*ii*) how many of the District Judges' sheristadars are Muhammadans and how many of them are from depressed classes; and

(*iii*) whether it is a fact that ministerial officers of ordinary merit are usually promoted to these posts?

(*iv*) If so, why?

The Hon'ble Sir WILLIAM PRENTICE: (*i*) Six.

(*ii*) Two are Muhammadans. No sheristadar has yet been appointed from the depressed classes.

(*iii*) No. Ministerial officers of ability and experience are selected for these posts.

(*iv*) Does not arise.

Publication of Rent sale notices.

12. Babu SUK LAL NAG: (*a*) Has the attention of the Hon'ble Member in charge of the Revenue Department been drawn to circular No. 7, dated the 22nd March, 1933, issued by the Registrar of the Hon'ble High Court of Calcutta holding that the publication of the proclamation of sales under the Bengal Tenancy Act is not required in law?

(*b*) Is the Hon'ble Member aware that before the passing of the amended Act the rules required that the sale proclamation should be published in a local newspaper but since the old rules were superseded in 1929 there has been no provision for the publication of the sale proclamation in the local newspaper?

(*c*) Is the Hon'ble Member also aware that the repeal of the rule providing for the publication of the sale proclamation in local newspaper is fraught with immense risk to tenants, under-tenure-holders, mortgagees and other persons holding encumbrances on the lands to be sold?

(*d*). Is the Hon'ble Member also aware that a number of newspapers used to depend for their existence mainly upon the proceeds of these proclamations?

(*e*) Do the Government propose framing a rule providing, as before, for the publication of the sale proclamation in local newspapers?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) Yes.

(*c*) No.

(*d*) Government have no definite and specific information on the point.

(*e*) The question of framing such a rule is under the consideration of Government.

Détenu Babu Benoyendra Nath Ray Chaudhury.

13. Babu KISHORI MOHAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that one Benoy Ray Chaudhuri has been kept under detention for the last three years, and that he is now detained at the Rajahmundry Jail after his transfer from place to place under Bengal Regulation III of 1818?

(*b*) Is it a fact that the said Mr. Ray has been suffering from a number of diseases and that from a strong built muscular constitution he has almost been reduced to mere skin and bones?

(*c*) Is it a fact that Benoy Ray's father, a retired Government servant of 75 or so, saw him in October last at the Rajahmundry Jail and petitioned the Government to send Benoy either to Switzerland at his expense or to some other sanatorium?

(*d*) Is it a fact that the said prayer was rejected? If so, why?

(*e*) Is it a fact that Benoy is now spitting blood and has got pains in his chest?

(*f*) If the answer to (*e*) is in the negative, what state of health Benoy is now in and what arrangements have been made for his treatment?

(*g*) Is it a fact that Benoy's wife wanted to see her husband but was not allowed? If so, why?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir William Prentice): (*a*) to (*g*) Babu Benoyendra Nath Ray Chaudhury was at first detained under an order passed by the Government of Bengal in accordance with the provisions of

section 2(*1*) of the Bengal Criminal Law Amendment Act, 1930, on the 10th December, 1930, but was subsequently made a State Prisoner under Regulation III of 1818 by a warrant issued by the Government of India on 14th November, 1931. The Government of Bengal are not in a position to make any statement regarding a person detained under the orders of the Government of India.

Typists and copyists in the Court of the District Judge, 24-Parganas.

14. Mr. A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the present number of typists and copyists in the court of the District Judge of the 24-Parganas;

(*ii*) how many of them are Muhammadans; and

(*iii*) whether all vacancies in the Judge's Court are advertised?

(*b*) If the answer to (*a*) (*iii*) is in the negative, are the Government considering the desirability of taking steps to ensure advertisement of vacancies in future?

The Hon'ble Sir WILLIAM PRENTICE: (*a*) (*i*) 22 typists and 25 copyists.

(*ii*) 3 typists and 4 copyists.

(*iii*) Notices are posted on the Court Notice Board.

(*b*) The question of giving increased publicity for notices of vacancies is under consideration.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS.

The Bengal Waterways Bill, 1933.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I beg leave to introduce a Bill to provide for the maintenance and improvement of waterways in Bengal.

The Secretary then read the short title of the Bill.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dildar: Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Khan Bahadur Muhammad Abdul Momin,
(2) Babu Jatindra Nath Basu,
(3) Mr. C. R. Sumner,
(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(5) Khan Bahadur Maulvi Azizul Haque,
(6) Mr. Narendra Kumar Basu,
(7) Maulvi Muhammad Saadatullah,
(8) Rai Bahadur Keshab Chandra Banerji,
(9) Haji Badi Ahmed Chowdhury,
(10) Rai Bahadur Sailemlranath Banerji,
(11) Maulvi Abul Kasem,
(12) Mr. S. M. Bose,
(13) Mr. H. C. V. Philpot,
(14) Mr. W. H. Thompson,
(15) Rai Bahadur Kamini Kumar Das, and
(16) myself,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the Royal Commission on Agriculture had recommended the appointment of a Technical Committee of Experts to examine and report on the advisability of setting up a Provincial Waterways Board in Bengal. The Commission also advocated the complete separation of the Navigation Branch from Irrigation, Embankment and Drainage, all of which constitute at present what is known as the Irrigation Department of the Government of Bengal. Bengal, however, is not primarily an Irrigation province and to this extent the term "Irrigation Department" as applied to the organisation responsible for the construction and maintenance chiefly of hydraulic works throughout the Presidency is a misnomer.

It will be in the recollection of this House that Government having accepted the recommendation of the Royal Commission, an announcement was made to that effect in the Bengal Legislative Council on the 20th March, 1929. I took over charge of this portfolio in April of that year, and on the 25th August I held a meeting of the Standing Waterways Advisory Committee on board the SS. "Garo," while we

went to inspect the western approaches of the Sunderbans. At this meeting I said that the work lying ahead of us was so stupendous, namely, the finding of a solution of the diverse problems that Bengal rivers present, that the present Committee would be the first to recognise that it was necessary to form a whole-time organisation for the proper conservancy of our waterways, and that it was necessary to create a Waterways Board on a statutory basis for the whole province, which would be charged with the duty of supervision over twenty thousand miles of major waterways alone, not to speak of the smaller *khals* and channels; that on this Board, Government would invite the co-operation of the mercantile and commercial communities, both European and Indian, and also of the general public, as all were equally interested in and convinced of the imperative necessity of maintaining our waterways properly. I added that if the members of the Standing Waterways Advisory Committee were all agreed that such a Board, as visualised by me, should be constituted, then it was scarcely necessary for us to examine on that occasion particular questions, as it would be best to leave the solution of all problems to the proposed Waterways Board; and that it was, therefore, obvious that our first step would be to push on as fast as possible with the creation of a competent Board, which would be fully representative of various interests. The Board would be invested with statutory powers somewhat on the lines of the Calcutta Improvement Trust, and this highly specialised and representative body would be entrusted with the work of formulating and carrying on all necessary schemes. I recall that meeting, as on that occasion not only the then Chief Engineer, Mr. Addams-Williams, and the Superintending Engineer, Mr. Curry, but also Mr. G. W. Leeson, representative of the Joint Steamer Companies, Mr. P. H. Maflin, Agent, Eastern Bengal Railway, Sir Charles Stuart-Williams, Chairman, Port Commissioners, Mr. A. L. Godden, representative of the Narayanganj Chamber of Commerce, and the chief local Agent of the Steamer Companies in Eastern Bengal; Mr. Gadadhar Bagaria, Joint Secretary of the Marwari Association, Mr. Jadunath Roy of the Bengal National Chamber of Commerce, and Chief Engineer of the Bihar and Orissa Government were all present. Mr. Leeson, on behalf of the Joint Steamer Companies, said that "he heartily agreed to the creation of the proposed Board," with which all the members present concurred. The Chairman, Port Commissioners, added that "if the Waterways Board could have the headwaters of the Hooghly watched and the position improved, it would be of great value to the Port Commissioners, and he believed they would gladly consider the question of payment of their share of the expense."

It will thus be seen that representatives of all important interests were present at the inception of this scheme, and that it was with their hearty approval that the next step was undertaken, *viz.*, the formation

of an Expert Committee, which was constituted by Government notification, dated the 30th November, 1929, and is known as the Hopkyns Committee. Among the terms of reference were the following:—

(a) To consider the advisability of the formation of a Provincial Waterways Board and the desirability or otherwise of the representation upon it of the provinces of Bihar and Orissa and Assam, in order to secure co-ordination in respect of policy and methods of river conservation throughout the Ganges-Brahmaputra-Meghna series of rivers. To define the status, powers and functions of the Board, and its relations to the Government of Bengal and to the Civil and Irrigation Departments of that Government.

(b) To advise on the problem of finance.

This Committee toured over most of the important districts of Bengal, consulted all local opinion, recorded evidence of a large number of public bodies and individuals, and received written representations from the various Chambers of Commerce and Steamer Companies, Railways, Port Commissioners, Jute Mill Associations, Engineering Associations, and District and Local Boards. The Committee submitted their report on the 30th March, 1930, embodying views which had the full concurrence of all these public bodies and the representative opinion of the whole province, and they summarised their report as follows: "For all these reasons we recommend that a Board of Trustees, to be known as the Bengal Waterways Trust, be created by statute to take over the navigable waterways from the Irrigation Department and to administer and maintain them throughout the Presidency."

Chief among their specific recommendations were the following:—

(i) That the administration of navigable waterways should be handed over to a Waterways Trust representing commercial and public opinion.

(ii) The Government Departments and river transport companies should not be directly represented on the Trust, but there should be provision for associating them in the work of Committees.

(iii) That District Committees should be created with the statutory right of being consulted on schemes affecting the districts, and of sending a member to sit on the Board when such schemes are under discussion.

In Chapters IX to XIII of their Report, the Committee dealt exhaustively with the formation, constitution, duties and procedure, and the finance of the Waterways Trust.

On the 23rd August, 1930, I held another meeting of the Standing Waterways Advisory Committee attended by the representatives of the Steamer Companies along with the representatives of other commercial interests, where I told them that since the submission of the Expert Committee's Report Government had been most assiduous in examining

all details of the same which were being carefully scrutinised by several Departments of the Secretariat, and that associations and public bodies concerned had been invited to express their views on the recommendations contained in that Report.

Since then there has been an insistent demand from all quarters of the province to proceed with the formation of the Waterways Trust. In the Budget Sessions of both 1931 and 1932, member after member of this House got up and charged Government with dilatoriness in not having produced as yet the requisite Bill, so much so that I had to explain at length on both those occasions how Government had asked for the views of some 25 to 30 public bodies such as the various Chambers of Commerce, Steamer Companies, Trades Associations, etc., and how correspondence with these bodies and exchange of views and the examination thereof had taken up all this time.

Thereafter, a detailed estimate had to be prepared, and after considerable alterations had been made, the case had to be submitted to Government as a whole. Government, while approving of the general principles, were not yet satisfied with the financial aspect of the scheme, and a great deal of care had to be taken to look very carefully over all the figures put up, and to arrive at a correct estimate of the position. Consultation was also held with the representatives of the Joint Steamer Companies and, as a result, a Bill has been carefully framed, which is now before this House. This, in short, is a chronological account of the inception and progress of the present Bill.

Now, Bengal is pre-eminently a deltaic country and as such its position is unique. With the exception of a few more torrential hill-streams, all rivers and *khals* in Bengal are used by large fleets of indigenous craft during the monsoons and many of them throughout the year. Without these routes, not only would trade come to standstill, but even the means of carrying on the daily avocations of our rural population in large portions of the country would be impossible. The main rivers are used by inland steam vessels which serve areas where railways cannot be economically constructed. The main marts lie on the river banks and are easily accessible from the interior through a vast ramification of what are called *khals*. Nature has been kind to man in this province in providing a prevailing wind which blows against the current. There is a good deal of long-distance traffic carried on by indigenous craft. The total length of navigable rivers, omitting the smaller *khals*, within the confines of this province is, as already stated, about twenty thousand miles—a most complicated system to be found in the whole world. There is a direct route to Calcutta by the boat route extending from Barisal. Steam vessels, however, have to pass through the Sunderbans—a diversion of 136 miles. Though the Brahmaputra and the Meghna give little trouble, the Ganges in the dry season requires careful attention and navigation could not be

maintained without constant attention in training the water into one common channel. A good deal of anxiety is experienced with regard to the smaller rivers including the cross-connecting channels as also those in the Western Sunderbans. The Madaripur Bhil Route has given trouble due to change in the river system and, in consequence, heavy dredging has had to be done and certain training works undertaken. In the Western Sunderbans, the dredging of the Doagra had to be constantly undertaken, and this river is now dredged once in about three or four years. Much of the wealth of Bengal lies in its waterways. Large areas in the delta have become malarious and uninhabitable. There have been doubts expressed as to the life of the Hooghly itself as a great avenue of commerce. Members hailing from the eastern districts, particularly round about Dacca, who have been clamouring for a Waterways Division there for many years, will bear me out when I say that the problems connected with the conservation of the intricate system of rivers in that part of the country is a very pressing one since not only the trade and prosperity of that portion of the province depends on healthy waterways, but the very health and existence of their major towns all depend on them. These are some of the problems that the Trust will have to face. The maintenance and development of the internal rivers will be taken out of the scope of necessarily protracted procedure which obtains in the working of a Government Department and placed in the hands of a body at once informed and capable, which would expeditiously initiate, sanction and carry out its schemes of improvement or maintenance with its own resources.

Since 1924, attempt has been made to tackle the problem of water-hyacinth; and as I have said on previous occasions, among the many problems to be taken up by the Board will also be this problem. Hitherto, the Department of Agriculture has been responsible for any campaign against the invasion of the water-hyacinth pest; but when the Trust begins to function, it will as a matter of necessity have to face the question of combating this pest as well. There is no mention of water-hyacinth in this Bill, but it is obvious that the problem of dealing with water-hyacinth is one of the problems which will have to be considered by a body which is entrusted with the control and maintenance of the waterways. The Hopkyns Committee has definitely indicated that one of the functions of the Board would be to keep the channels clear of water-hyacinth. To free the internal waterways of this pest involves the formulation of measures to deal with the problem as a whole. It may be necessary in future to pass supplementary legislation, but it would be premature to prescribe in advance exactly what methods are to be adopted. If, however, the Select Committee consider that some special provision in regard to water-hyacinth should find a place in this Bill, their suggestion will be fully considered. It will

thus be seen that for the first time a definite organisation will be responsible for the campaign against the water-hyacinth pest which has caused and is causing such havoc to trade, agriculture and public health.

One of the causes of malaria is the neglect of our waterways. Thus, incidentally, this measure will supplement the activities of the Public Health Department. It will, however, be foolish to expect miracles, for what it can do will be limited by its financial resources, which at first cannot be great; yet it will be able to deal with the whole problem as one, and devote itself sincerely and whole-heartedly to a special duty as the Calcutta Improvement Trust does to its own task. In that way, what is necessary is much more likely to be done than by any system of piecemeal legislation.

The importance of the maintenance of navigable waterways to the economic life of the province is indeed very great. In the past the activities of this Department as regards navigation have been directed primarily to the upkeep of the main routes both for boats and steamers. Practically very little has been done as regards revival or maintenance of minor routes giving access between the interior of the country and the main rivers, with the result that in some parts of the province channels have silted up, navigation has been limited to a few months in the year, and crops can only be marketed when the *khals* rise high enough in the monsoons to make transport possible. There is a general feeling that the waterways are not maintained in the efficient state which their importance demands, that their interests are not sufficiently safeguarded as compared with those of other transport systems, and that, in particular, local interests are neglected. For the first time, there will be an agency which will look to one of the most real needs of rural areas, namely, not only the maintenance of the main waterways, but also to the maintenance of the routes which are so essential to the well-being of the cultivator. The well-being of the rural life of Bengal depends to a very large extent on water communications. It will thus be realised that this scheme will go far ahead of any such organisations under the Government of the United States, or the Union of South Africa, where alone similar water problems, though on a smaller scale, have had to be faced.

For the first time there will be a machinery which will secure the much needed representation of local opinion on the Board when any question affecting a particular district comes up. With that end in view, the formation of District Committees has been definitely embodied in the Bill, and their functions are stated in section 49 of the Bill. This will give ample opportunity for local opinion to make itself felt and to submit to the Board proposals for schemes of local importance. Further, such Committees can also be used for the purpose of co-ordinating local efforts for other improvements, such as those under the

Sanitary and the Agricultural Improvement Act, VI of 1920, and they will effectively represent public opinion and be competent to advise on all schemes affecting the districts.

The main reason, however, why such a long time has elapsed between the publication of the Report and the introduction of this Bill is that the financial questions involved required much consideration and that this period has coincided with an unprecedented slump in trade. Considering the length of time which usually elapses before recommendations of a character as far-reaching as those now put forward can be embodied in a Bill, I think we may claim that Government have been as expeditious as possible in getting on with this measure.

I shall now deal briefly with financial considerations. In view of the circumstances, the main problem was to see whether the estimate for expenditure could be reduced so that the Trust when first constituted would be able to function independently even if the receipts did not come up to the expectations of the Committee who gave a figure of about 35 lakhs a year for receipts in their report. The calculations now made show that the minimum expenditure of the Trust *per annum* will be 15·94 lakhs and that of this sum about 7 lakhs, excluding establishment charges, will be available for maintenance, extension and improvement of navigation works. It has also been calculated that in normal times the income of the Trust will not be less than roughly 23 lakhs *per annum*. This excludes the income to be derived from licence fees imposed on country boats and other vessels of a certain class and above certain size which cannot at present be estimated with any degree of accuracy.

The Committee recommended that the Government contribution should be 5 lakhs. This figure was based on an estimate of the savings in Government expenditure likely to result from the formation of the Trust. It, however, included the whole of the charges for establishment on works which will be taken over by the Trust. As Government will not be relieved to any very great extent of these charges for reasons which have been explained in the report of the Committee which even recommended expansion of the Irrigation Department after separation of waterways, and owing to other reasons, it is found on detailed calculations that the saving will not amount to more than 2·31 lakhs. There is, however, nothing to prevent Government from increasing their grant, particularly after the loans on account of the dredgers have been paid off.

The whole income from navigation works will be handed over to the Trust which is estimated at 8·4 lakhs as against 9½ lakhs estimated by the Committee. The proceeds of the estimated taxation on steamer freights and fares come to 11½ lakhs as compared with 17 lakhs estimated by the Committee before the present slump in trade. The question of the receipts from steamer traffic will be further examined by the Select

Committee. It has been alleged in certain quarters that the levy of such taxation will divert traffic from steamers to railways and country boats, but while Government do not by any means apprehend that there will be any serious diversion of traffic, this also is a point which might be further considered by the Select Committee. The Hopkyns Committee laid stress on the fact that "any improvement of the waterways of Bengal should be paid for by the traffic utilising them." This is certainly a reasonable proposition, inasmuch as the waterways are of such great importance to the trade of Bengal that the traffic which uses them must necessarily contribute a considerably larger amount than it has hitherto done. Besides, the steamer companies must not be oblivious of the fact that in the past huge sums have been paid out of the public revenues for maintaining steamer routes only, which have all redounded to their benefit, and that at a time when no attention was paid to other internal communications. I hope they will remember all the past benefits which they have derived and should now willingly come forward to co-operate and play the game, now that a machinery is being set up at last which is designed to ensure commensurately the well-being of all the interests involved and of the country at large.

As regards the dredgers, the position may be briefly stated as follows:—

(a) The cost of maintenance of the dredgers has been taken into account in estimating the Government contribution to the Trust.

(b) Government will continue to bear all the existing loan and interest charges on account of navigation works including those incurred on account of the dredgers.

(c) Further, it is not practicable to have two separate dredger establishments, one under Government and the other under the Trust.

It can never be the intention of Government to place these dredgers under the Trust merely to rid themselves of vessels which they cannot otherwise dispose of. I wish to make it perfectly clear that Government have decided to sell three of the dredgers, namely, the "Ronaldshay," the "Cowley" and the "Burdwan"; and from information received, it is very likely that these dredgers may be sold off shortly. In that case, the Trust will have only two dredgers, which might be even less than the minimum requisite for maintaining the existing works, not to speak of undertaking new works. Even if these dredgers are not sold before the Trust begins to function, there will be nothing to prevent them from being sold later, though the proceeds of the sale must necessarily be credited to Government, as Government have made themselves responsible for interest and capital on the loans incurred.

To sum up, Government are of opinion that the Trust will be able to pay its way, and if conditions return to normal, there is every prospect for a considerable increase in income which will enable the Trust to extend its activities.

The income from country boats of a certain class and over a certain size has not been taken into account at all in making the calculations. This may be regarded as an untapped source of revenue which could be developed without imposing any serious burden on the traffic.

I do not desire to dilate much on the proposals as regards personnel of the Trust, as that is likely to be a matter for discussion. The object has been to secure that the Board shall be fully representative, without being unwieldy, and that it should be a body which will command confidence. This latter is a very important factor for many reasons. It must be remembered that the Trust will be empowered to raise loans subject to the provisions of sections 71 and 72.

There will be nine Trustees. Commercial interests will be represented by one member of the Bengal Chamber of Commerce and two Trustees elected by bodies representing the interests of the Indian mercantile community. Two members—one of Hindu and one a Muslim—will be chosen by the Legislative Council. The Trustees will be nominated by Government, and of the remaining two, Government will appoint one as Chairman; and the Chairman of the Port Commissioners, *ex-officio*, or a person appointed under section 7, will be the other. I must also observe that in paragraph 104 of their Report, the Expert Committee made it quite clear that neither Government Departments nor River Transport Companies should be directly represented on the Board. Further, they consider that anyone who has a direct interest, other than as a mere shareholder, in any firm, company or organisation which provide means of public transport within the area under the jurisdiction of the Trust, shall be disqualified. They consider it essential that the views of the Transport Agencies should be placed before the Board from without rather than that they should be directly represented upon it.

Now as regards the powers and functions of the Trust, the most important powers and functions are embodied in section 43. There is, however, one necessary proviso. It will be found stated in the Report of the Royal Commission on Agriculture that certain districts of Bengal have tended, as a consequence of the interference of man with the forces of nature, to decline in fertility and to become hot-beds of malaria and other diseases. In view of this, and in view of the fact that many of the rivers are of importance to the province from points of view other than those of navigation, and that unwise interference even with a minor river may have serious consequences from the point of view of public health or agriculture, that certain limitations have been imposed in section 46.

Since taking over charge of this Department, no one has realised more than myself the supreme necessity of resuscitating our waterways, as they affect very largely the well-being of Bengal. I wish it were possible on the part of Government to subsidise this scheme more handsomely, and I look forward wistfully to the time when we might come into our own and receive the proceeds from our jute which are our due. We all owe a deep debt of gratitude to His Excellency the Governor who has done so much in this direction, and for the stand he has taken up in this connection. When that time comes, I have no doubt Government might be in a position to demonstrate their sympathy more substantially.

Let me say, in conclusion, that it was only in February last that His Excellency made a reference in his address to this House to this Waterways Trust; and recently a similar reference was made by him in response to the addresses presented to him during his tour. Thus, it is in response to insistent public demand that this Bill has been introduced by Government, and I trust it will receive the unanimous support of all sections of this House.

With these words, I commend my motion for the acceptance of the House.

Mr. PRESIDENT: I find that several motions have been tabled for circulation of the Bill which are substantially identical. I decide that Rai Bahadur Satyendra Kumar Das's motion shall be moved.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st January, 1934.

Sir, my reasons are very simple and clear. It appears from the Statement of Objects and Reasons that the Committee of Experts appointed by Government already recommended that a Board of Trustees representing commercial and public opinion should be created. If the Committee really meant what it said, then the first duty of all of us here is to secure public opinion, but how can such public opinion be secured unless we send the Bill for circulation? If you do not send the Bill for circulation, we cannot but think that you do not mean to secure public opinion. Moreover, the provisions of the Bill are not above criticism. Government is trying to make a great change by taking away the navigable waterways of Bengal from the Irrigation Department and an altogether separate Department is going to be created to administer and maintain the waterways of Bengal throughout the whole of the Presidency. It has also been recommended that

District Advisory Committees should be formed to assist and co-ordinate local efforts in order to fulfil the provisions of this Bill. Sir, it also appears that it will cost a huge sum. I do not know, Sir, from what sources the money will come. The fares and freights on passenggers and goods carried by inland steamers will in all probability be increased by leaps and bounds. We understand that the Government is expected to raise loans for this purpose. All these are matters for very serious consideration and, Sir, if the Bill is not sent for circulation to elicit public opinion, the passing of this Bill only through the Select Committee will be an act which would not be politically wise. I ask, I rather make a request—I appeal in all seriousness—to the mover of this Bill to accept my amendment for the circulation of the Bill in view of the facts I have mentioned while moving my motion in this connection.

Khan Bahadur Maulvi AZIZUL HAQUE: At the very outset I must congratulate the Hon'ble Member in charge of the Department on after all bringing the Bengal Waterways Bill before the Legislative Council. Sir, I might just for a moment take you back to the year 1928 when the Royal Commission on Agriculture first recommended and drew pointed attention of the public here and abroad that things were not all right in the administration of the Irrigation Department and that in the interests of the people of this province, it was absolutely essential that there must be a division of the Irrigation Department into two branches—one dealing primarily with irrigation and the other dealing with the problems of navigation, embankment and drainage. Sir, I must at this stage make it clear that while I do not oppose the reference of the Bill to a Select Committee, I deplore that the Government of Bengal has made substantial changes in the recommendations of the Royal Commission as well as those of the Hopkyns Committee—which was in the nature of an Expert Committee—which they themselves appointed, and I feel that but for the fact that the riverways are the sacred trust of the province and also require considerable attention, I would have been the first to oppose the reference of the Bill to a Select Committee. I do not do so for the simple reason that I consider that among other problems affecting the province of Bengal this problem is also one which should be tackled. Even if the Irrigation Department has failed to deal with the other urgent needs of the province, I feel, I shall not be justified in opposing this measure so far as its reference to a Select Committee is concerned. I will make my position quite clear. One of the primary reasons of the Royal Commission's recommendations was that irrigation was a problem by itself and should be left to one section of the Irrigation Department, but the other works, namely, that of drainage, and embankment, as also of waterways, are so connected and inter-woven with each other that they should all be tackled by a different section of the department.

Later the Hopkyns Committee proposed the Waterways Trust to deal with the navigation problem and recommended that the Trust should be representative of the public and of experts and engineers. Unfortunately, so far as this Bill is concerned, the question of embankment and drainage has been abandoned, and we find that navigation and navigation alone has been the important objective of this Bill. I ask the Hon'ble Member in all seriousness whether it is wise on his part and on the part of the department to keep drainage and embankment apart from navigation of the waterways; after all you cannot detach one from the other and divide the waterways into two separate compartments—one dealing only with navigation and the other dealing with embankment and drainage. The drainage has always its outfall in the river system of Bengal, and if the latter is controlled from the point of view of navigation, I am afraid a time will come when the requirements of both navigation and drainage will be so clashingly complicated that it will be difficult to coalesce the interests of both. It would not, therefore, be wise to take up the question of navigation only. Sir, there is another aspect of the problem which was dealt with by the Committee of Government and consisting of many experts which is known as the Hopkyns Committee. They recommended that in view of the opinions placed before that Committee they were probably justified in recommending that for the present it may be desirable to deal with the waterways on the lines of the Bill which the Hon'ble Member has just initiated. But I would remind the Hon'ble Member to think of the other recommendations they have made. The recommendation of the Hopkyns Committee was that District Committees should be formed to co-ordinate not only the works of navigation in the district but also that of drainage under the Agricultural and Sanitary Drainage Act. They visualised that so far as the Waterways Trust was concerned that body should tackle the question of navigation alone but that the District Committees should tackle not only the question of waterways but also the question of drainage and other cognate matters. That recommendation, Sir, has not been acted upon. In its place we have got the constitution of a District Committee which will not deal with any other question except that of navigation and navigation only. Sir, I hope you will kindly permit me to read an extract from the Hopkyns Committee's report so far as the constitution of the District Committee is concerned.

"We shall include a proposal that District Committees be formed to assist and advise in the case of waterways, and we suggest that these committees should also be used for the purpose of co-ordinating local efforts for other improvements, such as those which Act VI of 1920 was intended to provide."

Not a word of explanation has been offered by the Hon'ble Member as to why that scheme contemplated by the Hopkyns Committee has

been abandoned by Government. The Hopkyns Committee recommended I believe in March, 1930, and after three long years the Government of Bengal and the Irrigation Department now propose only to tackle the problem of navigation. Not a word has been said as to how the department proposes to deal with the problem of drainage in Bengal and nothing is known to us what the fate has been of the other recommendations of the Hopkyns Committee. The Hon'ble Member has spoken in language which I cannot imitate and with emphasis which I cannot possibly bring to bear on the question, that drainage is a question of life and death to Bengal. That it should be immediately tackled was the recommendation of the Royal Commission on Agriculture and of the Hopkyns Committee. That Committee very emphatically drew the attention of the Government of Bengal to the immediate urgency of tackling this problem. I want to know what steps Government contemplate taking in this direction: what actual efforts they have made with a view to tackling the problem of drainage which was strongly brought to the notice of Government by the Royal Commission on Agriculture as also by the Hopkyns Committee. Sir, as I have said before, I do not deny the importance of navigation. But at this stage may I humbly want an explanation from the Hon'ble Member as to what was his reason for opposing the Nadia Waterways Bill. That Bill aimed not to deal with any scheme of the main and navigable waterways but to deal with humbler projects of small drainages which were, in our district at any rate, within our own means to tackle and the Government was not bound and required to spend a pie on those drainage projects. The Irrigation Department might have laid down that any scheme which might be taken up by the then proposed Nadia Waterways Board must receive the sanction of the Bengal Waterways Trust or the Government in the Irrigation Department. But I distinctly remember that the Hon'ble Member in opposing the reference of my Bill to a Select Committee definitely stated that "the Bill as drafted by Government would be on the lines of the Hopkyns Committee's report and in this view of the matter there was no need whatsoever for a separate Bill for Nadia." I remained silent at that time as I wanted to watch what he was going to do in connection with this Bill. He said that as his Bill was coming, and as my Waterways Bill, was parochial in character, it was not necessary to proceed with my Bill. I ask what was the purpose and object in refusing to tackle the problems of drainage so far as Nadia was concerned in my Bill when Government is not going to do anything in the present Bill to take up the drainage question. I do expect that the Irrigation Department will soon come forward with a definite project—a co-ordinating scheme, for the purpose of tackling the drainage problem of this province. I must state that I have my fundamental difference with the Hon'ble Member in regard to certain details of the Waterways Trust. For instance, I feel that——

Mr. PRESIDENT: You need not go into details at this stage.

Khan Bahadur Maulvi AZIZUL HAQUE: So far as the constitution of the Board is concerned it should be radically changed so as to be acceptable to the House. That is, however, a matter of detail and it will he open to the Select Committee to do the needful. But it is desirable in view of the remarks I have made that Government should at once make its policy clear as to how it intends to tackle the drainage problem which is a question of life and death to the province. While I certainly congratulate the Hon'ble Member on what has been done, my congratulations will be in more effusive terms when I shall see that not only has he succeeded in tackling the question of navigation but that he has succeeded to save Bengal from its present drainage conditions and that added to this he in his reply has also given an explanation as to what was really in his mind when he refused support to my Bill, the Nadia Waterways Bill.

Mr. W. H. THOMPSON: Mr. President, Sir, the last speaker has deplored the fact that drainage and drainage problems have been omitted from this Bill. I, Sir, am more exercised in my mind to make sure that this is really the case. There are and always have been in this House members who have missed no opportunity of criticising the Irrigation Department on every possible occasion. Their criticisms have not usually been constructive, and some of their suggestions have certainly been wild. But there has been so much said about the dead and dying rivers in Bengal that there is no doubt that there is a general feeling in this province that if something could be done to resuscitate these dying rivers, the province would gain in many other ways than merely by improved inland navigation. As a matter of fact, those people who have talked so much on this subject had usually no interest whatever in inland navigation; their interest was rather in respect of matters of public health. Recently, when such criticisms have been made in this House whether in respect of Irrigation Department's budget or in respect of similar matters, the Hon'ble Member-in-charge has not frankly faced the criticisms, but instead has taken refuge behind the plea "wait and see; my Waterways Bill will disarm your criticisms." As my friend has just said, it is only a few months since the Hon'ble Member actually obtained the withdrawal of the Nadia Waterways Bill, on a similar plea. That Bill was introduced frankly without any idea, without the intention of improving inland navigation at all. The member who introduced the Bill said perfectly clearly that he thought that by clearing obstructions from the rivers and by assisting their flow there would be an improvement in the general health of the Nadia district. He never suggested for a minute, and he knew perfectly well, that there never would be any steamer and hardly any country boats in these rivers for they wind so much that

long distances have often to be covered to get a short way. Moreover, the general flow of these rivers is from the north-west to the south-east, whereas the direction of the goods traffic is from north-east to south-west in the direction of Calcutta. Now, Sir, the Hon'ble Member got that Bill shelved, because he said "my Waterways Bill will do all that you want to do." Does he still hold to that view and does he still think that his Waterways Bill is to be used to assist the dead and dying rivers?

Then there is the question of water-hyacinth. It is now 20 years since we began begging Government to do something about this. Only recently the Hon'ble Member-in-charge put off the question of water-hyacinth by saying "wait for my Waterways Bill." Now if the Waterways Board is to deal with water-hyacinth, it means that the Board must take over not only every river and *khal* in Bengal, but nearly every tank, every *bhil* and miles and miles of paddy-fields. Not only that, it is necessary that such system as it devises shall meet with the co-operation of the Governments of the adjoining provinces. In view of such past action on his part, is it quite sure that the Hon'ble Member in his heart intends to limit this Waterways Board and its activities only to improving inland navigation? So the Bill says, but his actions in the past months have not indicated it, and I want to pin him down. What is his true attitude? Upon his answer to this question depends the finance of this Bill. When we started the Calcutta Improvement Trust, we started with it adequate funds, with recurring grants which enabled it to take up its own schemes. But this Waterways Board is to start merely with a ridiculous contribution from Government. It is to start, moreover, though the Improvement Trust started otherwise, with large recurring liabilities. It is to house, to feed, and maintain five great white elephants in the shape of five dredgers. Many other Committees and the Government itself can initiate schemes for the Waterways Board, and it is for the Board to finance them, and yet its only source of revenue is to be what it can screw out of the water-borne traffic. In respect to water-borne traffic, it is to be remembered that it is decaying and has completely decayed in most parts of the world. It competes at a very great disadvantage with the Railways; it is slow, because the rivers wind about so much. Its profits are small, and there is very little margin for surcharge. It would be very easy to drive the Steamer Companies off the routes altogether by taxation, and the revenues realisable from the country boats will not only be very small but very difficult and expensive to collect in such a manner as to avoid evasion. If loans are raised, as is contemplated, and then surcharges were put on which would kill the traffic, the position would be serious. The loans would be unsecured. Let this Bill go to a Select Committee, but not before the Hon'ble Member has made it quite clear that he has

drawn up this Bill and proposes to finance the Board only on the understanding that it will deal with nothing but inland navigation in Bengal. This European group is in favour of a non-political Board, with experts in waterways, to deal with the development of those waterways that are for the benefit of the province. But if this Bill comes back from the Select Committee merely as a measure designed to play to the gallery and a measure which involves serious financial risks, then we in this group are quite prepared to oppose its passage through this House.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I regret to have to oppose the motion for circulation. It is well known to us all here under what circumstances the Bill has been introduced in this House to-day. It is the result of insistent, and I should say persistent, agitation carried on both inside this Council and outside it in favour of a measure of this kind. It will, perhaps, be remembered that questions were asked and cut motions moved during successive Budget Sessions of the Council in which strong criticisms were levelled against the working of the Department of Irrigation. I was one of those who joined in the criticisms against the Irrigation Department. It will, perhaps, be remembered that a few years ago a resolution sponsored by Mr. Nalini Ranjan Sarkar, one of the former members of the Bengal Legislative Council, was unanimously carried. The resolution urged the adoption by Government of measures for the resuscitation of the dead and dying rivers, the highways of inland trade in Bengal. Although the Bill does not follow closely the recommendations of the Irrigation Department Committee, yet I think their proposals have been substantially incorporated in it. It may be said that the Bill is not a perfect one, but it should be remembered that nothing is perfect in this world. It may be that there are many defects in the Bill, but the Select Committee will be competent carefully to scrutinise its provisions and so amend it as to purge it of its objectionable features, if any. It is regrettable that opposition should come from the European Benches, as it is the foreign Steamer Companies that will be benefited by the scheme of river-training. It is well known to the Companies as well as to everybody interested in river-borne traffic that owing to the rapid silting up of some of the principal rivers of Bengal, the problem of navigation has become very acute. It has also been said by the mover of the amendment in urging the circulation of the Bill that it is very necessary, before the Bill is referred to a Select Committee, to consult public opinion. I may say in this connection that the Irrigation Department Committee which consisted of experts submitted their report after an elaborate investigation extending over four months. They visited the principal river districts in Bengal, recorded the evidence of important persons who were in a position to advise on the subject and then submitted their unanimous report. Sir,

ys in Eastern Bengal suffer very much on account of the silting up of some of the principal rivers. A Committee was formed at Dacca, called the Dacca-Mymensingh River Improvement Committee, which functioned for a few years, and you yourself, Sir, presided on one occasion over the Annual Conference organised under the auspices of that Committee, and you know the extent of public feeling in East Bengal on this vital question. The improvement of rivers will provide facilities for navigation and will thereby enable the Inland Steamer Companies to ply their steamers without difficulty. It will also enable private boat-owners to carry on their business which is now on the wane. The improvement of rivers is, therefore, a commercial necessity. I have gone through the provisions of this Bill, and it is not for me now to examine them in detail; but, broadly speaking, I may say that this is an earnest attempt on the part of the Hon'ble Member at solution of this vital problem for which he is to be complimented. Although I admit that it does not fulfill the objects for which legislation was considered necessary, yet I think it goes far enough, and if there is any objection to any of its provisions, the Select Committee will have an opportunity of so modifying it as to make it acceptable to the House.

With these words, I oppose the motion which, if carried, will only have the effect of delaying the passage of the Bill.

Mr. NARENDRA KUMAR BASU: Sir, I confess that I rise to speak on the two motions before the House with rather mixed feelings. When I first heard that the Waterways Bill was being introduced into this Council in fulfilment of the promises made by the Hon'ble Member in charge in successive Budget debates, I was under the impression that the Council and the people of the province were to be congratulated upon that fact—I mean the introduction of the Bill. The first time that the Bill was sent out to us, the members of this Council, the first proposal that I turned to was the question of funds to be made available to this Waterways Trust, because, as it is admitted by everybody, the question of the waterways of Bengal is a gigantic problem and requires a great deal of money to successfully tackle it. Sir, the House remembers that the minimum Government contribution, as proposed by the Hopkyns Committee, was Rs. 5 lakhs a year. When I turn to the provisions of the Bill, I find that the Government contribution is Rs. 2,31,000, and of that sum, just a half, Rs. 1,60,000, if not more, will have to be spent on the maintenance of the dredgers. Sir, it is impossible for anybody in this House to speak dispassionately on these dredgers. They have stampeded amongst the finances of Bengal like white elephants, white rhinoceroses and other animals which are favourites of the Hon'ble Member, for a very long time. I know that the Hon'ble Member is not responsible for these bargains for the province, but I do hold him responsible for having neglected the advice

of the Standing Irrigation Committee for the last three years to take them away to the Bay of Bengal and sink them. He has not done that, and now in order to get rid of them probably, I shall not use the word "with the connivance or collusion," but with the kind assistance of his colleague, the Finance Member, he is foisting them upon the poor Waterways Trust. The Waterways Trust with a grant of Rs. 2,31,000 has to spend Rs. 1,60,000 or thereabout on these dredgers which are absolutely useless for purposes of any Inland Waterways Trust. I challenge the Hon'ble Member to tell the House that he does not know that these dredgers are useless so far as the Inland Waterways Trust is concerned. I am quite sure, Sir, that the grant of Rs. 2,31,000, itself a miserable pittance on paper, is now reduced to about Rs. 60,000 or Rs. 70,000. What a magnificent sum for the maintenance of the waterways of Bengal! I am not in the confidence of Government, and I do not know if that would be the last word in their contribution towards the funds of the Waterways Trust. If that be so, then I say there is as much use for this Waterways Bill as for any other scrap of paper that has emanated from the Writers' Buildings. But I do submit, Sir, that if this Trust is to do any good to the country or any good to the province, it must have more funds and Government must be prepared to give more money to the Trust when that body comes out with any beneficient scheme.

Sir, so far as the motion for the circulation of the Bill is concerned, speaking for myself, I do not think any good will emanate from accepting this motion. The Report of the Irrigation Committee of 1930 has been before the country for three years, and so far as I know, there has been very little of opposition to the recommendations made by that Committee. In fact, Sir, the feeling in the country is that the question of irrigation, the question of drainage, the question of navigation, the question of hydraulic research and other cognate questions have been for a long time neglected by Government, and I am sure I join with my friend, Khan Bahadur Maulvi Azizul Haque, in his heartiest congratulations to the Hon'ble Member for having succeeded at last in making an attempt to deal with this question in this Council. I am quite sure, Sir, that so far as the Bill is concerned, it would not certainly go far enough especially as I have said, unless the Hon'ble Member in charge succeeds in persuading his colleague the hard-headed and hard-hearted Finance Member to make a more generous grant towards the funds of the Trust, very little good will come out of this Trust. I, however, say, that it is a step in the right direction.

As for the half-hearted faint praise of Mr. Thompson towards this Bill and towards his very newly found sympathy for Khan Bahadur Maulvi Azizul Haque's Nadia Waterways Bill, I may say that I find from the Report of the Proceedings of this Council that the European

group—I believe I may use that expression as Parliamentary language —damned it when it was discussed not because of the Bill that the Government was thinking of producing, but because the financial provisions of Mr. Asizul Haque's Bill were not considered adequate by them. However, we have at least got this from Mr. Thompson, that the Bill with its ridiculously little contribution from the Government, and what can be screwed out of the steamship lines, will not do much good. Sir, there the cat is out of the bag. As the Hon'ble Member, in introducing the Bill has pointed out, the whole of the resources of the Irrigation Department, of the country, and the whole of the available resources of the people so far as money and other things are concerned, have been spent for the purpose of fostering the inland steamship trade in Bengal which is in the hands of a few European Companies, but now that their pocket is going to be touched, they are, I shall say, with a saving grace, much too ashamed to say: "We, therefore, oppose this Bill." They are now putting it on this ground, that you are trying to put pressure upon the pockets of the passengers and of the freight-owners which will take away their trade and drive the Steamship Companies out of the rivers of Bengal. I am absolutely sure that if the navigation, drainage and waterways of the country are improved, then even if the present European-managed Steamship Companies disappear from the face of Bengal, that will not be a grievous loss to Bengal nor a disaster. I, therefore, support the Bill.

(The Council was adjourned for 15 minutes.)

(After adjournment.)

Mr. C. R. SUMNER: I do not propose to offer more than a few observations on this Bill at the present time. The main purpose of the Bill has been fully set forth by the Hon'ble Member and the Statement of Objects and Reasons, as appended to the Bill, explains the opinion of Government that the Board of Trustees should be appointed or created to take over, to administer and to maintain the navigable waterways of Bengal. The Joint Steamer Companies have in the past supported this principle and they agree that Bengal, like practically every country in the world which is blessed with a system of navigable rivers, should set its house in order in this matter. Times have, however, changed during the past few years. The speedy inauguration of the Waterways Board is not at present the pressing necessity, from the point of view of navigation, that it was previously considered, when the Sunderbans approaches to the Hooghly were thought to be a dying route. At the present time, no deterioration is observable in these rivers. Times have also changed in another and a much less pleasing way. During the past three years, traffic conditions have gone from bad to worse, and in this respect I would sound a note of warning on behalf of the Inland Navigation Companies, whether

under European or Indian control. In this matter, all these Companies—and if my friend Mr. Narendra Kumar Basu were here, I would be pleased if he would give special attention to this point—are in accord with the view that until trade conditions improve, there can be only one opinion, and that is that there is no possibility of their being in a position to incur any additional burden of taxation, or what may be classed as analogous to taxation. Furthermore, as and when trade conditions do show signs of improvement, the utmost care will require to be exercised to ensure that no disturbance in the existing flow of traffic on the rivers of Bengal shall result from any legislation enacted in the way of rendering transport of goods or passengers by inland steamers unduly costly in comparison with other means of transport.

Questions of this nature will constitute the principal problems which will require the consideration of any Select Committee, if appointed, which will deal with this Bill, and I would assure the members of the House that they are likely to be found extremely intricate problems with which to deal. For these reasons, it would not be advisable to look for, or to fix, any very early date for the submission of the Select Committee's Report.

As regards Mr. Basu's valued opinion of the existing Steamer Companies, I might just remark that when my Company, the India General Company, began its operations something like 90 years ago, there were no Railways anywhere in Bengal, and the only means of communication with the north-west or with Assam consisted of a Government steamer which left Calcutta once in 6 weeks and which was possibly sufficiently fortunate as to arrive, say, at Allahabad in about a month's time, at a cost to a passenger of about Rs. 400. I wonder whether Mr. Basu would like to pay Rs. 400 for such a journey? In those days, there were no other communications, other than by open boat.

As regards the Assam district, for many years we represented the only means of communication to that part, until the Eastern Bengal Railway completed their line to the neighbourhood of Goalundo, whence we took over their traffic and carried it to Assam. For something like 30 years we represented the only connection with Cachar and Eastern Bengal, until the Assam-Bengal Railway Company opened their line. I think, therefore, there can be no question, for anybody who understands the position, that the Inland Steamer Companies were responsible for opening up trade, not only in one or two directions, but in all directions. I also suggest that successive Governments have, throughout the years and up to the present time, been unanimous in voicing their opinion that the province of Bengal owes a very great debt to the Steamer Companies for the efficient way in which they have promoted the trade of the province. It seems to me—perhaps I am

biased—that Mr. Basu's opinion on this point is one of the most extraordinary opinions that I have heard from any responsible member of this House.

Mr. SHANTI SHEKHARESWAR RAY: I am always suspicious of a Government Bill, and so far as this Bill is concerned, which I may termed as a Bill of Abdication, it naturally aroused more than normal suspicion in my mind, and so I devoted two long hours last night to a study of the Bill. Well, Sir, I have come to the conclusion that this Bill will be of a very little use to the country. Sir, my first impulse was to support the proposal for the total rejection of the Bill, but I shall follow the example set by the leader of the European group yesterday and suggest that this Bill should be thrown out after obtaining public opinion after circulation. I do not see why we should be in a hurry in connection with this matter. We have waited for long and, perhaps, we can wait a few months more. I was surprised to hear from my friend, Mr. Narendra Kumar Basu, that circulation is unnecessary because the Report of the Expert Committee has been before the country for the last three years. But then no one was asked to express any opinion on that Report, and I think no one knew what decision Government would come to on the basis of that Report. As I find, and as has been stated in this Council, Government have not accepted all the recommendations of that Committee, and to my mind, certain of the proposals incorporated in the Bill appear to be of a retrograde nature. I think it is in the fitness of things, therefore, that the Bill should be placed before the country for an expression of opinion. I would ask the Government to reconsider their attitude in this matter because much will depend on their attitude. I think they should not press for sending the Bill to a Select Committee without circulation. Sir, it is all very right for a member of Government to stand up and say: "Here is the Legislative Council where all the wisdom of the country is personified, and we can get all the opinion necessary from the members of the House." It is very flattering to us, of course, but at the same time we should not forget the reality of the situation. What is the position? We members of the Council were elected——

Mr. PRESIDENT: Order, order. I must not allow you to cast any reflection on this House.

Mr. SHANTI SHEKHARESWAR RAY: It is certainly not my intention to cast any reflection on a House of which I am myself a member. But I was going to point out what the position was just now. Having been elected so long ago, we have been out of touch with public opinion——

Mr. PRESIDENT: Order, order, that remark is neither relevant nor appropriate. Can't you come to the subject of the Bill?

Mr. SHANTI SHEKHARESWAR RAY: I must bow to your ruling, Sir. I may repeat again that I was not going to cast any reflection on the House of which I am a member, but I was going to press my point for circulation because I thought I should be able to get——

Mr. PRESIDENT: Order, order. You need not labour that point.

Mr. SHANTI SHEKHARESWAR RAY: I am sure that if public opinion finds proper expression, it will certainly not support this Bill of taxation at this time. I realise that the Hon'ble Member has not brought forward the proposal of taxation in all its nakedness, but has followed the example of the proprietor of a dentist shop or of one of those jugglers who play in the streets of Calcutta and help a gang of pick-pockets. Government want to pick our pockets and at the same time say: "Well, it is nothing." They want to disarm us of any suspicion by suggesting that "the Bill is not going to be enforced just now; so let us pass the Bill." But what is the use of passing a Bill that you are not going to enforce just now?

Khan Bahadur MUHAMMAD ABDUL MOMIN: How do you know that they are not going to give effect to it at once?

Mr. SHANTI SHEKHARESWAR RAY: It is found in the note on clauses, where it is mentioned that in view of the present economic situation, it is not intended that the Act should come into force as soon as it is passed. Please read it and you will see it there. You passed the Bengal Rural Primary Education Act three years ago. At that time also, you told us that you could not wait a few days more and the Bill was referred to a Select Committee, and in the teeth of opposition from Hindu members you passed that Bill. Would the skies fall if you delayed a few months more? But what has happened to that Act? You have been as yet unable to enforce it even after this length of time. If it was not your intention to enforce that Act, there was no use passing that Bill on that occasion, and I submit, if it is not similarly your intention to enforce the Act now, it is no use passing it just now. Government should be very careful in initiating a measure of this nature. The very fact that Government have initiated this measure and may enforce it at any moment may create a situation in the country that would not be desirable. In these days of economic depression, Government should not do anything to aggravate the situation. Somewhere I have read, I do not exactly remember where, but I believe in the Hopkyns Committee's Report, that they may tax jute. What will be the effect on the country at large if the rumour goes about that Government intend to impose a tax on jute when the same is brought into Calcutta by river? Will there not be trouble and further depression? When even the supporters who want the Bill to go into Select Committee say that no immediate good is likely to accrue,

from the Bill, what is the good of sending it to a Select Committee and spending so much good money in these hard days? What improvement can be made in this Bill that it may be made acceptable or useful? Though the Hon'ble Member in charge of the Bill has gone into details, in view of your past ruling I feel some hesitation in going into the details also, but I will refer to one point only, and that point is this: That the high priest of communalism in Bengal has lived up to his reputation in framing this Bill. I shall justify my remarks presently. In one of the clauses of the Bill, namely, in connection with the constitution of the Board, I find that two members of the Legislative Council are to be elected by the Legislative Council. One of them is to be a Muhammadan and the other a non-Muhammadan.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Do you want both of them to be Hindus?

Mr. SHANTI SHEKHARESWAR RAY: It is a very curious situation. The Hindu is nowhere there. Why should the Hon'ble Member earmark a seat for a Muhammadan? Can he cite any legislation where such a distinction has been made that a particular Committee or a Board elected by the Legislative Council should have a Hindu or a Muhammadan member on it? Did he accept the suggestion of the Hopkyns Committee on that point? That was an Expert Committee and its Report was drawn up in a liberal spirit. There you will find that the Committee recommend that the Board should consist among others of two members elected by the Legislative Council. We want that impartial attitude from the Government and we do not want this communal attitude on the part of Government, and I am really sorry that the Hon'ble Nawab Bahadur Sir A. K. Ghuznavi has lent his name to a proposal of this nature.

Khan Bahadur MUHAMMAD ABDUL MOMIN: But he is already a high priest of communalism.

Mr. SHANTI SHEKHARESWAR RAY: Certainly, I will again repeat that he is the high priest of communalism. We cannot forget that.

Mr. PRESIDENT: Don't be drawn into that, Mr. Ray.

Mr. SHANTI SHEKHARESWAR RAY: We cannot forget who raised the question of music before mosques in Bengal.

Mr. PRESIDENT: Order, order. I shall be reluctantly compelled to stop you if you go on in this fashion.

Mr. SHANTI SHEKHARESWAR RAY: I am really sorry that I have been betrayed into making personal remarks, but they were due to the provocation that was given by my Moslem friends.

Dr. Sir NILRATAN SIRCAR: I am sorry that there should be such an exhibition of temper in connection with a serious matter like this. We need not be ruffled but, on the other hand, there is very serious food to digest. As my friend, Khan Bahadur Azizul Haque has said, there are at least four extremely important matters in connection with this proposal. They are: (*1*) those connected with sanitation, (*2*) those connected with irrigation, (*3*) those connected with the establishment of the Waterways Trust and keeping the waterways clean and navigable, and (*4*) the question of embankment and configuration of the land. In fact, the proposal affects in a wide sense the reformation of the whole of Lower Bengal, and as such it deserves the most careful consideration of all the members present here and also of people outside the House who are interested in the welfare of the province. Sometimes very important things come out of the observations of even a single person. Take the case of Sir William Wilcocks, who has actually rebuilt Egypt and saved Egypt and who was our guest here a short time ago. His ideas, though they were the ideas of an individual, were unknown to those who had to deal with these things here in this country and outside. I would refer to my friend who has just departed from India in very good health, I mean Dr. Bentley. His ideas when he actually put forward his Report in connection with the Sanitary Drainage Scheme were that the prevention of malaria and other alluvial diseases could be effected by good drainage and by the drying up of the soil and that the prevention of these diseases lay in the flooding and flushing of certain areas. I am only mentioning these ideas so that much light might be thrown upon this question if persons from outside are called upon to study this question and favour us with their ideas. Such an important matter should, I think, be placed before the public at least for a short time for the purpose of studying and for the purpose of forming an opinion. It is not a political question; it is a question much higher than that. It affects the whole of Bengal and should not be looked at from this or that standpoint, but actually from every standpoint which concerns human welfare. I therefore humbly support the proposal for circulating it for the purpose of eliciting the opinion of the public thereon.

Maulvi ABUL KASEM: Sir, I had no intention of taking part in today's debate, but the speech of my friend Kumar Shanti Shekhareswar Ray, who is the Secretary of the Mischief-makers Society—an organisation of which I happen to be the President—prompts me to rise. I would have certainly supported the motion for circulation, if I had thought or felt that it would serve any useful

purpose. Sir Nilratan Sircar has said that this matter should be for some time before the public, so that they may express their opinion on the provisions of the Bill. Of course, he has added that this is not a political measure, but a measure intended for the benefit of the province as a whole. I know—but Sir Nilratan Sircar perhaps does not know—that in this country at the present moment everything that is being done by the Government or by somebody else, who does not belong to a particular party, is used or utilised for political purposes. Politics and politics alone is their object. Then, Sir, this Bill, as it is, may not have been before the public for some time.

The question of the dead and dying rivers of Bengal has been engaging public attention for a very long time—long long before the high priest of communalism came to his office. We the people of Bengal have been crying hoarse for a long time to improve the conditions of the dead and dying rivers of Bengal. We have charged the Government with criminal neglect in this respect, but when Government comes forward with a measure for the improvement of these rivers, we cry that this will cause depression and uneasiness in the minds of the people of this country and a situation will be created which will not be at all desirable. I may remind the House that the situation created is already such that nothing can be worse.

Then, Sir, my friend has put forward the argument as to why this haste—why this indecent hurry—and has cited as an example the Bengal Primary Education Bill which was passed as he said, in haste and in the teeth of the opposition by the Hindus, but no action has been taken on it, and it has not been possible to enforce it. I regret that it has not been enforced, but I must say at the same time that it has not been enforced because of the violent opposition of the Hindus of Bengal, and I say, Sir, that the Government and the Hon'ble Minister in charge of Education are certainly guilty of neglect, because even in spite of the passing of the Bill, they have given way to the great pressure and agitation against it, and are not alive to a sense of duty unto a certain section of the community. (MR. P. N. GUHA: absolutely incorrect.)

Then, Sir, the next question raised by my friend, Mr. Shanti Shekhareswar Ray, is that the Hon'ble Member in charge of the Bill is the high priest of communalism.

He is furious because in the Bill there is a provision for one Muslim member of the Council to be on the Board. Sir, I regret that whenever there is the question of my Committee or of anything else in which a Muslim is proposed to be given a seat, our great nationalist friend, our great national patriot—rises up and says that this is communalism. Nationalism according to him is, perhaps, pure and undi[illegible] Hinduism. If that is so, I should like to be miles away from that [illegible] of nationalism.

Sir, I support the motion for the reference of the Bill to a Select Committee.

Nawab MUSHARRUF HOSAIN Khan Bahadur: Sir, I have heard with patience the speeches delivered from different points of view. The lawyer's point of view has been put before the House by my friend, Khan Bahadur Maulvi Azizul Haque. He finds fault with the Bill because it does not deal with the drainage question as recommended by the Royal Commission as well as by the Hopkyns Committee, and on this ground perhaps he wants to throw out the Bill. My friend the leader of the European group has expressed his own ideas with regard to business. He has said that when business is practically paralysed and is at the lowest ebb, the measure is unwelcome. The politician to my right in his usual way has cried down the Bill as most unwelcome because it brings with it a provision for taxation. Sir, whenever any beneficial measure—any constructive measure—is put before the House, all forces of destruction unite to put an end to it. This measure everybody has admitted to be beneficial to some extent. Some have said that this will solve one most important problem—that is the problem of sanitation. We have been crying hoarse in this House asking Government to take some action for resuscitating the dead and dying rivers of Bengal. Some, Sir, have admitted that if this Bill is passed into law, it will have the effect of reviving the dead and dying rivers—a very significant admission coming as it does from some of the members of the House who have been criticising and decrying the Bill. Sir, I may in this connection refer to the Conference held regarding the Grand Trunk Canal Scheme. I have found up to this date that whenever any good measure is proposed in this House for improving the dead and dying rivers, opposition comes from certain quarters. I may tell my friend who spoke on behalf of the Steamer Companies that if the Grand Trunk Canal Scheme, which was actually taken up, had not been turned down, he would not have had to cry here for want of trade. Sir, I am one of his customers and my tea would have gone through his steamers, but at present I cannot send tea through steamer. If that Grand Trunk Canal Scheme which he condemned along with many others were actually put into effect, I am sure he would have got a good amount of money from me personally, but everybody thinks of to-day and does not think of to-morrow. One ought to know that every good measure taken now may at first do some wrong or injury to somebody, but if people persevere, they would see that in the long run it is beneficial to the country and that they would be able to take advantage of it and profit by it, and I think that would have been the case if the Grand Trunk Canal Project had been given effect to. I was really sorry when I heard that the Grand Trunk Canal Project had been abandoned. So, if a person dispassionately considers every proposal that comes before the House and tries to find out if there is any good in it, I think he will find some good in it; if, on the other hand, he wants

to find out if there is any defect in it, he will also find some defect in it. You cannot expect a measure to be absolutely perfect; every measure has its good as well as its bad effect; it cannot be perfect at first. For all these reasons, I would welcome the Bill. It may have its defects, but it has also its good points. I would welcome it, as some beginning has to be made. If you put a stop to it, what will be the effect? The effect will be that nobody in future will dare to bring in any measure for doing any good to the dead and dying rivers of Bengal within the next few years. Therefore, I would welcome this Bill. If it requires thorough overhauling, this can be done by the Select Committee, not of course for the purpose of throwing it out altogether, but for finding out whether the Board which you are contemplating creating could not be improved. And if they cannot immediately transform the dead and dying rivers of Bengal into flowing ones, time may come when their successors will have plenty of funds and resources to do the work in a much better manner. As regards the enforcement of the Bill, I find the Hon'ble Member in charge of the Irrigation Department has forgotten to tell us that he is not in a hurry to give effect to this Bill. As everybody knows, this is an abnormal time, and I spoke on this abnormal situation on several occasions in this House. The Hon'ble Member in charge also admits that the time is abnormal and immediate effect to the Bill, if passed, cannot be given. If that is so, what objection can there be in forming a Board and trying to find out if any good can come out of it. The question of funds, of course, is the most important question. I may say that it is the sea rock on which many ships have been wrecked. What I want to ask the members of this House, and especially the European group, is why they are afraid of a measure like this. I do not personally see what harm will be done by adopting this measure. If they are afraid of taxation, I can tell them that effect will not be given to it till better time comes. It may be said that if that is so, what is the necessity of having a measure like this on the statute book now. Well, everyone is anxious to be a legislator and wants to devote all his energies to see if he can have a very big and important measure put in the statute book, whether effect is given to it or not. As it is necessary that something should be done in this direction, a small beginning is being made and I think we should allow that. I do not see why there should be such a fuss about it. Personally, I would welcome a proposal like this, and if it is passed into law, what I want to impress upon the Hon'ble Member is that immediate effect should not be given to it.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, most of the speakers who have preceded me have supported the motion of the Hon'ble Member for referring the Bill to a Select Committee, but I regret to notice that in their speeches there is a tone of pessimism and

a lack of enthusiasm for the Bill which is hardly justified. The activities of the Irrigation Department in the past had not been very popular, not because our river system did not require clearing up and resuscitation, but because in the past the results of those activities had been unfortunate and bore no fruit. Speaking of such activities, we find before our minds' eye the notorious Grand Trunk Canal Scheme, and the collosal amount of Rs. 110 lakhs fruitlessly spent on the Madaripur Bhil Route without much effect, and yet only a few members opposed these schemes, and among them there were no Europeans. To-day this Bill has been brought after very mature deliberation and, as a result of the recommendations of the Hopkyns Committee, and now that we have got this Bill, very little enthusiasm is being shown by the members of this House. It is true that this Bill is not going to directly tackle the much needed problem for the eradication of malaria and the clearing of rivers of water-hyacinth in our province. But if we examine the provisions of the Bill closely, we will find that the Bill does provide for measures which will indirectly help to remove malaria and the insanitary condition of Bengal, although it does not say so in so many words. The avowed object of the Bill is the silt-clearing of rivers for navigation purposes. But in most cases if you clear the rivers and make the water flow through the rivers which are now dead, the natural consequence will be that the health of the place will improve. My friend, Khan Bahadur Azizul Haque, feels very sore about the Bill, because he thinks that this Bill meant primarily for the purpose of navigation will not touch the Nadia rivers which are not usually navigable and which he is naturally very anxious to have silt-cleared. I think there is nothing in the Bill which will prevent the action that he would like to take, namely, the resuscitation of the rivers in Nadia and Jessore. These rivers were formerly navigable, and if they are silt-cleared and connected with their original source, namely, the Ganges and the Brahmaputra, I think they can again become navigable and can be brought within the purview of the present measure. What we ought to be grateful for is the improvement of the smaller channels which at the present moment are chocked up with water-hyacinth in most of the Eastern Bengal districts and have become sources of malaria and cause inconvenience not only to navigation but also to agriculture. I am referring to the small creeks and *khals* in the districts of Noakhali, Dacca, Faridpore and Tippera, particularly Brahmanbaria, where large tracts of country go under water because a bar has been thrown up in the mouth of the river which in former days used to drain the water. It will be the primary duty of the Board to clear those channels at a little cost by removing the bars not only to make these small rivers navigable, but also to clear them of water-hyacinth. I certainly think that there is a good deal of justification for the grievance of the Steamer Companies, because the prospect before them from the taxing point is rather gloomy.

I am perfectly willing to agree that the activities of the Waterways Board in the near future will not very much conduce to the improvement of their traffic or bring more money into their pockets, but later on when all the bigger channels have been cleared and made navigable to indigenous crafts, people will find the steamer route easier and more suitable, and the tax that the Steamer Companies will have to pay will be recovered from goods traffic. They must remember that in the past the public exchequer had spent lakhs and lakhs and crores of rupees for the purpose of keeping the steamer routes alive. This expenditure has been only for their benefit and did no good to the people who had paid it; for instance, the Madaripur Bhil Route was conceived entirely in the interest of steamer navigation. Although at the present moment there may be some grievance, because they have to pay, in the long run they will make up for whatever they may have to pay now. Personally, I think there are good prospects of doing good work if the Board which would be established by this Bill do their work properly and efficiently, but at the same time I would like to sound a note of warning that if instead of paying more attention to the small channels and rivers whose needs are much more urgent than anything else, the Board divert their attention to trying to make the larger channels navigable for the steamships or if they hatch schemes only for the purpose of navigation and at the same time unmindful of the obstructions that may cause to drainage, then I think it will be disastrous for the country. I have no doubt that we can trust a representative Committee like the one contemplated in the Bill to do what is good for the people at large. I think the Bill should not be obstructed in its passage to the Select Committee. I do not agree with the note of the Hon'ble Member in charge that we should not enforce the Bill at the present moment because of the prevailing distress. Many of the speakers have taken objection to this remark, but that particular portion of the note might perhaps be deleted in the Select Committee.

Coming to the objection of my friend, Mr. Shanti Shekhareswar Ray, I cannot understand why he is so much against accepting this Bill at this stage. Being himself a high priest of nationalism, he objects perhaps to take anything from the hands of a high priest who is considered untouchable by him.

Mr. P. N. GUHA: Mr. President, Sir, it was only a few days ago that the news that the Irrigation Department has at last moved, was conveyed to the public in a speech which His Excellency delivered at Dacca. Rai Bahadur Keshab Chandra Banerji expressed a desire of presenting a Bill before the Council in connection with the question of the eradication of the water-hyacinth and His Excellency discouraged the Rai Bahadur for the reason that the Waterways Trust Bill of the Hon'ble Member in charge of the Irrigation Department would solve

the problem. Since then we have been anxiously awaiting the advent of the Bill and it has now come.

Sir, I welcome the Bill because it indicates that the immovable Irrigation Department has at last moved. The problem of the waterways of Bengal, if I remember aright, began to agitate the public mind rather seriously during the administration of Lord Carmichael. Since then a lot of things have been said and written on it, but no tangible result followed. Sir, there was a time when the gentleman at the helm of the affairs of the Irrigation Department was definitely of opinion that the reclamation of the dying rivers of Bengal would not be a practical proposition, and he thought that the facilities for navigation and communication would be improved considerably if new canals were excavated. His first scheme was the Madaripur Bhil Route to which references have been made by many speakers to-day. His second scheme—on which he was very keen—was the Grand Trunk Canal, which has always been truly characterised as the white elephant of Bengal. One cannot say how many lakhs of rupees were spent on that project which, to the intense relief of the people has been abandoned. Mr. Addams-Williams, the then Chief Engineer of the Irrigation Department, who was known to be a deltaic expert, was definitely of opinion that the rivers which flowed into the Bay of Bengal would soon be silted up and the communication between Calcutta and the eastern districts of Bengal would be hopelessly jeopardized if the Grand Trunk Canal was not hurriedly excavated. It was with this object in view that he purchased some white elephants—I mean the dredgers to which a pointed reference has been made by my friend, Mr. Narendra Kumar Basu. Sir, I think it was about six years ago that this Council dealt a heavy blow, and I should say the final blow to the Grand Trunk Canal Project. A token grant of Rs. 25,000 for this project was demanded by the late Maharaja Khaunish Chandra Roy Bahadur who was then in charge of the Irrigation Department, and the Council almost unanimously rejected it and thereby recorded the verdict that the Grand Trunk Canal was not at all necessary.

Sir, since then we have been anxiously looking forward for any step that the Government might take to deal with the problem of the waterways of Bengal. Those of us who hail from Eastern Bengal, specially from the area known as the river districts of Bengal, know how rapidly the big rivers are being silted up. Even some portions of the Meghna and the Padma, the fury of which was proverbial in old days, are being silted up. In my own district (Bakarganj) many rivers have died and others are being rapidly silted up. Khan Bahadur Abdul Momin has rightly observed that *khals* and creeks in the districts require urgent attention of the Irrigation Department. The resources of the District Boards are quite inadequate to keep these *khals* in a navigable condition and unless something is done from the higher

quarters, there are some districts in which the facilities for transport and communication will be hopelessly jeopardized. Sir, I am thinking particularly of my own district which is probably the only district in India where there is not even an inch of railway line. Rivers and *khals* are the only ways of transport and communication in my district, and the company of my friend, Mr. Sumner, are earning crores and crores by plying steam-vessels big and small in these rivers and *khals*, but some of them are being silted up and we shall be completely ruined if they are not kept alive and navigable.

Sir, references have been made by the previous speakers to the problems of embankment, navigation, drainage, resuscitation of the dying rivers, eradication of the water-hyacinth and others. I do not know if the Waterways Trust when established will be in a position to cope with all or at least many of them. Let us, however, hold our soul in patience and let us hope that the Select Committee will give such a shape to the Bill as will prove to be adequate to meet with the requirements of the province. Then, Sir, it has been said that it will not be possible to give effect to the provisions of the Bill till the financial condition of the province is improved. That is quite true, but the time is not far off when we shall be able to know how we stand financially. The financial adjustment under the new constitution will tell us if we as a people are to live or die. Neither the irrigation nor any other Department of the Government of Bengal will be able to work if we do not get the jute duty and the income-tax under the new dispensation. I, therefore, think that there is no cause for despair just yet. I have seen a telegram from Sir N. N. Sircar this morning in which he says that the new constitution will not be delayed beyond 1935. If that is the case, then we have to wait only for a year after which we shall know where we will stand, and if it will be possible to give effect to the provisions of this Bill.

Sir, I will very briefly touch the problem of the eradication of the water-hyacinth. It should be recalled that this Council during its first terms of life appointed a Special Committee with Sir J. C. Bose as its Chairman to deal with the problem of water-hyacinth. The Committee formulated a scheme, but that was not given effect to. Then Mr. Kalipada Moitra, a member of the Executive Service, was specially deputed to carry on an investigation and submit a report. He made a full and complete inquiry and submitted his report in which a legislation was suggested, but the Government did not move. Since then, we have been waiting and waiting. We shall thank our stars if an attempt is made in the near future.

Sir, I should in conclusion thank the Hon'ble Member for making a move. I welcome the Bill and I fully support the proposal of sending it to a Select Committee. I find that the Hon'ble Member has selected the members with great care. The best men of each group—Hindu,

Moslem, European—have been taken in. Let them give a shape to it and then we members of lesser eminence will see what can be done. I, therefore, deprecate the idea of standing in the way. When a child begins to stand on his legs, the duty of everyone should be to encourage him by saying "go on," "go on." Sir, the immovable Irrigation Department has at last moved, and we ought to say "go on," "go on," and thereby give encouragement to it.

Mr. P. BANERJI: Sir, I rise to oppose the motion which has been moved by my friend, Rai Bahadur Satyendra Kumar Das. We have heard many times in this House that Government must do something to reclaim the stagnant rivers of Bengal, and the Hon'ble Member in charge of the Irrigation Department has come forward with the plea that there was no money available for this purpose. To-day as I was listening to the speeches with attention, I heard that the old stories were being repeated in this House by various members who found fault with the Hon'ble Member because of the expenditure of the sum of Rs. 2 crores which was practically wasted by the purchase of the dredgers. I may tell my friends that it was done in the time of the Maharajadhiraja Bahadur of Burdwan—and that was some time perhaps in the year 1921 or 1922. So far as I remember, the present Hon'ble Member, the Nawab Bahadur, came into office as member in 1928. Therefore, in the fitness of things, it is not fair to bring out these old stories and charge the Hon'ble Member for a thing which was done long before he came into office. Members must not forget also that the Hon'ble Member of 1928 or 1929, when he took over charge of the portfolio of Irrigation, is not the same member of to-day, as we all know that in the course of time he has naturally gained more experience and with his new experience in Egypt he has now come up with a new proposal—a proposal that something should be done for the dying rivers of Bengal. Now, it has been stated by almost all speakers this afternoon that the Bill is a good measure, but where is the money to come from? Some of my friends have suggested that Government will not take immediate action. In all matters of improvement, there is the difficulty of dearth of money. Well, if we decide that steps should be taken for the amelioration of the country, then the difficulty of finding money for the purpose comes in. Therefore, we must put our heads together and find out how money can be found.

As for my European friends, I find them divided. Some of them support the motion for circulation and some favour the Bill being committed to a Select Committee. I have noticed that whenever any motion has been brought up in this House by an Hon'ble Member or Hon'ble Minister from the Treasury Bench, European members have always supported them whole-heartedly. However, I fail to understand why on this particular occasion they rise to oppose the Bill, and

it is rather amusing to find them doing so, as they never did so before. Mr. Sumner, representing the Inland Steamship Company, is afraid, as he apprehends that there will be some further taxes imposed. When the Calcutta Improvement Trust Act first came into existence there was a hue and cry over the imposition of terminal taxes on passengers and now everybody says that the Trust has brought about distinct improvements in the southern part of Calcutta. (A VOICE: Why southern, the northern part has been improved too.)

Their work is not yet complete, but so far as the southern portion of Calcutta, which was formerly a swamp and paddy-field all round, is concerned, I may say that it has been converted into the best portion of Calcutta. Therefore, I should like to refer those members that have any fear or misapprehension in regard to this Trust, to look into the work of the Improvement Trust. I must confess that when Russa Road was going to be 180 feet wide, I wondered as to what was the necessity of such a big road, but now, when you go that side, you will find that with the motor cars, motor buses and trams running along that road, there is hardly any space for the pedestrian to use. That is the position, so that with the growing population in the southern section of Calcutta even a 180-feet road seems to be a small road to-day. Now, Sir, it is admitted on all hands that the Calcutta Improvement Trust has done a lot for Calcutta. Similarly, we can very well anticipate that this Waterways Trust also will do some good for Bengal. But there is one difficulty. Some objection has been raised on the ground of fresh taxation proposed in the Bill. But, Sir, if the poor man will be taxed, the rich too will be taxed. The rich will not escape. I must also say that the rich people have no idea of the hardships and sufferings of the people in the riparian districts. I would like to refer in this connection to the difficulty of communication in some districts, namely, Jessore, Khulna and the 24-Parganas. I will cite the examples of two canals or *khals*—Alaipur and Bamorta *khals*. First of all I will take up the case of the Bamorta *khal*, a *khal* of 3 miles, which connects two very big rivers, and is the shortest route from Barisal to Bagerhat. At one time both these *khals* were navigable, and small steamers also plied across them, but now they have become dead. It might be within the recollection of the Hon'ble Member that for many years the people of these localities have been approaching Government for excavating these two *khals*, so that country-boats may pass over them. You will be surprised to hear that this distance of 3 miles now takes 7 days to pass; that is, if you take a different route altogether, as you have got to, by going round about Hularhat and coming all the way to Bagerhat by country-boat. Whereas, if this portion is opened up, it takes only one hour. That is the position, Sir, here. The local people have formed an association, and they saw the *manjis* (boatmen) who are 50,000 in number and who use these canals, and asked them

whether, in case any sluice gate was opened by Government and Government charged any fee or tax for that, they were prepared to pay. Every one of them without any exception was prepared to pay. So that it will be found that the *manjis* themselves—on whose behalf a fear has been expressed to-day that they are proposed to be taxed—the *manjis* themselves are prepared to pay the tax. I myself went to their place last year and saw the District Board members and with their representatives also saw the Hon'ble Member in this matter. The Hon'ble Member satisfied them, saying that something must be done by Government, and he suggested the formation of a Waterways Trust, which would be of much help and use to them. I am speaking from my personal experience when I say that the country boat-owners will not be unwilling to pay a small tax in order to have this difficulty removed. Therefore, in these circumstances, to move for circulation will only be to shelve a burning question of the day. Therefore, instead of doing that, I would much rather prefer that the Bill should go to a Select Committee, or I would not even mind if the Bill were passed to-day or taken up for consideration at least. I consider the subject to be of so much importance. It is also a very old question and, as has been stated by Khan Bahadur Abdul Momin, the Bill has been prepared after much consideration. If there are members who find it difficult to support the Bill as it is, on the ground that some of its clauses need radical change, why don't they send the Bill to Committee for improvement and removal of the objectionable features? Don't they know that in the Select Committee many a Bill has been changed lock, stock and barrel? Therefore, following those examples, I may also suggest that in Select Committee this Bill may be changed wherever necessary, for that is the object of a Select Committee. Therefore, I would suggest, or rather request, the Rai Bahadur not to press his motion, but to withdraw it.

Maulvi TAMIZUDDIN KHAN: I move that the question be now put.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I must say at the outset that I am perfectly amazed that any member could have moved in this House for the circulation of this Bill. I claim that this Bill has been circulated *a l'outrance*. Public bodies, mercantile communities, commercial concerns, engineering associations, in fact all public bodies, have been consulted. The Hopkyns Committee toured over most of the districts, consulted most of the Chairmen and members of the District Boards, met prominent people of all localities and thereafter, when they returned to Calcutta, recorded the evidence of a large number of public bodies and public men and submitted their report in accordance with the suggestions that had been put forward before them. I believe there

has been no other subject that has been so well circulated and about which so much opinion obtained as this question. Furthermore, I am a little amused to find that in a House, where member after member got up and questioned and heckled the Member in charge of Irrigation, asking "where is your Bill," there should be some members who would again ask that the Bill should be circulated for public opinion. Well, Sir, here is the Bill they were asking for. That is the position. So I submit no useful purpose will be served by a motion of this kind.

I now turn to the observations that have emanated from some of the speakers in this House. In the first place, there was the Khan Bahadur from Nadia. I am very sorry I was painfully obliged to tread on his toes. I was painfully obliged to oppose a piecemeal legislation introduced by him which would have cut across all the laws or Acts that were previously passed. Though it was the duty of Government to step forward and stop at the outset a measure of that kind, yet I think he will bear me out, when I say that I did not oppose the introduction of his Bill when he assured me that he would not proceed further. But when I found that in spite of his assurance, he proceeded to refer the Bill to a Select Committee, there was no option left for me but to oppose his Bill. He has also inquired whether the present Bill has been based on the Report of the Hopkyns Committee. I can assure him that the Bill has been based on the Hopkyns Committee's Report on almost every point. He also inquired how it was that drainage and embankment, forsooth, could be left out so as to be amalgamated with Irrigation. I know that the Khan Bahadur considers himself an authority on many things, but I did not know that he could pit himself against the views of an Expert Committee, who emphasised the necessity of separating navigation from the rest of the other subjects dealt with by a Department which is labelled as the Department of Irrigation.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of personal explanation, Sir. I think the Hon'ble Member did not catch me. I said that was the recommendation of the Royal Commission. I have only drawn the attention of the Hon'ble Member not to that aspect of the Hopkyns Committee Report but to the district constitution.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Thank you. He also inquired what benefit would be derived as regards drainage and things of that kind by improving the waterways. May I tell him that if you clear the rivers, if you make them navigable, it will do something automatically to assist drainage problems. That is an elementary principle, and I am sorry that Khan Bahadur Azizul Haque who poses to be an authority on river problems could make a statement of that kind in this House.

Then I have got to satisfy the doubts and suspicions of my European friends here. I shall start with Mr. Thompson and may tell him through you, Sir, that he need not be so suspicious. He need not think that Government will be so niggardly. If he will look at the figures that have been supplied or the figures to which reference has been made, he will find that not only a sum of Rs. 2·31 lakhs is going to be the contribution of Government, but there is the other amount which Government is going to make over wholesale, *viz.*, Rs. 8½ lakhs. If I have said Government are going to subscribe that amount now, I have also said, I think, that there is nothing to prevent Government from showing their sympathy in a much more substantial manner hereafter.

Then the question has been raised as to what will be the actual work before the Waterways Trust. I rather wonder that after the way in which I explained the functions of the Waterways Trust, that question should be put. I would only say that the Bill has been based on the Report of the Hopkyns Committee. I shall, with your permission, Sir, just read out three or four lines. The Hopkyns Committee say "much of the work which lies before the Trust will be in connection with the clearance and improvement of the interior network of the waterways which are used by country-boats." That is clear and I also made it clear that this machinery is designed for the commensurate well-being of all the interests involved. That means that it is not going to do anything at the bidding of the Steamer Companies, or at the mere bidding of those who want to clear up water-hyacinth in one day. No, the machinery is designed, I repeat again, to effect the commensurate well-being of all the interests involved.

Sir, reference has been made to the dredgers, and I am glad that after all some justice has been done to the man whose title is the Hon'ble Member for Irrigation. It has been recognised that the sins of the father should not be visited on the son, and it has been said that the sins, if any, were committed not by the Hon'ble Member of 1929, but by the Hon'ble Member of 1922. I am very grateful to those who said this, and I say that the Hon'ble Member of 1929 has made every endeavour since he took up the portfolio of Irrigation to find ways and means to put things straight, and he is trying to do all that is necessary in order to mitigate, to lighten the weight of these dredgers which are considered to be so many white elephants by many. I made a definite announcement that Government had agreed to sell three of these dredgers even as scrap iron. I am afraid those members who say that these dredgers should be sunk in the Bay of Bengal do not realise the value of pound, shilling and pence. (MR. NARENDRA KUMAR BASU: Is there a purchaser?)

Now, Sir, with your permission, I have to clear a reference made to me pointedly by Mr. Shanti Shekhareswar Ray. He referred to me as

the high priest of communalism. A personal explanation seems to be necessary to clear this point. I recall the time when as a Minister it fell to my lot to nominate a Hindu to a certain Board in Chittagong. I was at once proclaimed a traitor to my community. Then it fell to my lot to nominate a Moslem for a Board in Midnapore, where the Hindu population preponderated. I was at once accused of communalism. From that time, I felt that I had acted fairly by both the communities. I have got to look at everything absolutely from the point of view of fairness and equity and with no favour to any particular body or individual. That has always been my ideal in the discharge of the responsibilities entrusted to me.

I am grateful to Khan Bahadur Abdul Momin for pointing out that silt-clearing and improvement of *khals* would lead to better prospects so far as the Steamer Companies are concerned. I entirely endorse his views. If the smaller *khals* are cleared and if trade routes are freed from obstruction, it will certainly go to improve the position of the Steamer Companies.

I am also grateful to Mr. Banerji, who for once forgot his lotteries and put the position of the Irrigation Department in a light which delighted the hearts of those who are concerned with the working of that Department.

Well, Sir, I think I have made it perfectly clear that at long last the Government have seriously made an attempt—and I claim a good attempt—to tackle this problem, because that attempt is backed by the unanimous opinion of the whole province, and they have now decided to create a machinery which is designed to look to the various interests that are involved in the clearance, in the improvement, in the betterment of the main waterways, the *khals* and *bhils* and so on, and it is up to the members of this House belonging to all sections to join with us in trying to improve the machinery. I hope when the Bill goes to the Select Committee, it will be assisted by valuable suggestions as to how that could be done. I do not mind giving an assurance to my friend, Mr. Sumner, that all points of view put forward before the Select Committee will receive careful consideration. I can assure him that it is far away from my desire to do anything which will not be perfectly fair. The basic idea is that let there be some machinery which will look after the interests of all and not of any particular section.

I do not think that any cogent argument has been put forward which remains for me to answer that the Bill should be circulated. I have said sufficiently to indicate that there is not the least necessity for circulation, and it is a matter of great regret that the motion should have emanated from the quarter from which it has emanated. That is the last quarter from which I expected such a motion. However, one

has to live to learn and one has to come across many surprises in life. I am afraid I have to oppose the motion, unless of course the Rai Bahadur withdraws it.

Rai Bahadur Satyendra Kumar Das's motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st January, 1934, was then put and lost.

Mr. PRESIDENT: There are several amendments with regard to the personnel of the Committee, so I shall split up the Hon'ble Member's motion into two parts. I shall put the first part first.

The motion that the Bengal Waterways Bill, 1933, be referred to a Select Committee was then put and agreed to.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that after the name of Mr. W. H. Thompson, the following names be inserted, namely:—

Rai Bahadur Satyendra Kumar Das,

Mr. Ananda Mohan Poddar,

Babu Khetter Mohan Ray,

Babu Hem Chandra Roy Choudhuri, and

Mr. Sarat Kumar Roy.

The object of my inclusion of these names in the personnel of the Select Committee is this: I intend to put myself and Mr. Ananda Mohan Poddar for representing commercial opinion of East Bengal where mostly all the rivers of Bengal lie. I included the name of Babu Khetter Mohan Ray as representative of Tippera *mahajans* who get their supply of all merchandise from Calcutta by river route *via* Chandpur. I inserted the name of Babu Hem Chandra Roy Choudhuri as he is the worst sufferer by the erosion of the river Meghna for having hailed from the district of Noakhali. I want to take Mr. Sarat Kumar Roy as a representative of landholders.

For these reasons, I would request the hon'ble mover to include these names in the personnel of the Select Committee for the furtherance of the interests of his Bill.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Member suggesting his own name to represent the money-lenders' interest?

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: I am sorry I have to oppose all the names.

The motion was put and lost.

Mr. SAILESWAR SINGH ROY: I beg to move that after the name of Mr. W. H. Thompson, the following name be inserted, namely:—

Mr. P. N. Guha.

The Hon'ble Alhadj Nawab Bahadur Sir ABDELKERIM GHUZNAVI, of Dilduar: Sir, I accept the motion.

The motion was then put and lost.

The Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim Ghuznavi's original motion was then put and agreed to.

The Bengal Cess (A[illegible]t) Bill, 1932.

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg to introduce a Bill further to amend the Cess Act, 1880.

The Secretary then read the short title of the Bill.

The Hon'ble Sir PROVASH CHUNDER MITTER: I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Mr. W. H. Nelson,
(2) Mr. H. C. V. Philpot,
(3) Mr. J. B. Kindersley,
(4) Rai Bahadur Mahendra Nath Gupta,
(5) Mr. A. K. Fazl-ul Huq,
(6) Khan Bahadur Muhammad Abdul Momin,
(7) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,
(8) Maulvi Tamizuddin Khan,
(9) Mr. Razaur Rahman Khan,
(10) Khan Bahadur Maulvi Azizul Haque,
(11) Mr. Narendra Kumar Basu,
(12) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(13) Mr. Sarat Kumar Roy,
(14) Babu Sarat Chandra Mittra,
(15) Babu Satish Chandra Ray Chowdhury,
(16) Rai Sahib Panchanan Barma,
(17) Mr. Mukunda Behary Mullick,
(18) Mr. Saileswar Singh Roy,
(19) Mr. W. H. Thompson, and
(20) myself,

with instructions to submit their report, as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The members of this House as also those of its predecessor have from the floor of this House repeatedly complained about the existing Cess Act. The outside public, too, in their representations to Government officials and to Their Excellencies the Governors when they went out on tours often complained about the present Cess Act and the assessments based thereon. The older members of this Council will no doubt recall that when we used to hold our sittings in the Town Hall complaints were made about the Cess Act and assessments based thereon, but it is not necessary to go back to what the old Council did. I would refer to some instances of the more recent complaints. It is not necessary to elaborate them, because the members of this House are so familiar with such complaints. I may mention that these complaints were received both from the Proja Party and the landlords. During the Budget discussions of 1931, Khan Bahadur Maulvi Azizul Haque raised a debate to draw attention to the inequities of the present cess incidence, to the immediate necessity of the revision of the present Cess Act after an inquiry into its working, and urged the early appointment of a representative Committee of the Bengal Legislative Council with a few officials for drafting a Cess Amendment Bill. During that Budget Session, a demand for amendment of the Act was put forward by Raja Bhupendra Narayan Sinha Bahadur, of Nashipur. Maulvi Tamizuddin Khan, too, complained against high assessments and drew attention to certain unsatisfactory provisions of the Cess Act and complained about the failure of Government to take early steps for the revision of the Act, in spite of repeated assurances. Mr. Majid Baksh and others also joined in the chorus of criticism and the demand for amendment of the Cess Act.

The present Cess Bill is the outcome of these repeated demands of the representatives of the Bengal public represented by various sections in this House. It may be said that the Bill should have been introduced earlier, but those who are familiar with the difficulties and intricacies of the problem and those who have closely examined the working of the present Act and the principle on which the present Act is based will not lightly charge Government with undue delay. The question is such an important one, it affects such a large section of our population that it would have been unwise if we introduced the Bill without careful examination of the various problems and administrative questions involved. I can assure the House that with due regard to other pre-occupations of Government and its officials, no time was lost. However, be that as it may, we have now before us the Bill and those at any rate who criticise Government for delay would, I am sure, support the motion before the House.

I may mention in this connection that I find there are several motions for circulation. I may give a piece of information to those who have given notice of the motions for circulation that we have

already taken steps that these members desire us to take. We have already sent circulars to non-official bodies as soon as we got the sanction of the Government of India. Even before we got the sanction of the Government of India, we called for the opinions of officials; so we have anticipated the request for getting the opinion of public bodies and officials. I may also mention in this connection that it is not the intention of Government to rush this important Bill through as quickly as possible. Nobody understands better than Government and its expert advisers how difficult it is to frame this Bill, and we shall be very grateful for every assistance that we may obtain not only from the Select Committee, but from any member of this House who takes real interest in this Bill; if he sends any constructive suggestion, let him put forward that suggestion as soon as he reasonably can to the Revenue Department, and we shall take every care to see that those suggestions are placed before the Select Committee.

I have already mentioned the suggestion of Khan Bahadur Maulvi Azizul Haque about the appointment of a Committee of officials and non-officials. So far as I remember, similar suggestions either in the House or outside were made by other members of this House. Acting on these suggestions, we called a representative and a fairly large Conference of members of this House. The members who were invited to attend this Conference were selected in consultation with the different groups of this House. Representatives of the Proja Party, of the Backward Classes, of the European Group, of the landlords, as also certain other members who do not claim to represent either landlords or tenants were invited to this Conference. In selecting members of the Conference, care was taken to include some who were familiar with the District Board administration. Some expert officers of Government also attended this Conference so that the Conference might be in a position to have such expert advice as might be necessary. I may mention that the number of original members of this Conference was larger than the members of the proposed Select Committee. The framing of the present Bill was undertaken on what was gathered to be the general concensus of opinion of this Conference. There are certain points about which there was absolute unanimity, and there were a good many points about which there was practical unanimity. Practically, everyone strongly held to the opinion that the present Cess Act should be amended. One member took a different view, but later on, so far as I can gather, he came round to the opinion of the majority. All those who attended approved of the idea of the acreage rate, all were agreed that waste lands should be excluded, and all were agreed that the area to be assessed after excluding waste lands should be on the basis of the last record-of-rights even if such record-of-rights was old. On this point, Mr. Thompson who has great experience in revenue matters made the point very clear that if we proceeded with

the last record-of-rights, there would be no practical difficulty. Mr. Momin also accepted the opinion. Although we held five successive Conferences, the last Conference was held in February 1933.

It is one thing to lay down certain line of action on paper, but when it comes to the stage of drafting a Bill, various difficulties arise, and we had to examine the provisions very carefully and in a very meticulous way. When attempts were made to translate the recommendations and ideas of the Conference into the form of a Bill, drafting did not prove to be an easy work. However, with the assistance of experts available to Government, the drafting was completed and the present Bill is before the House. As I have mentioned, most of its important provisions embody the general recommendations of the Conference, although there are certain provisions of a comparatively minor nature which are introduced to take advantage of the occasion of amending the Cess Act.

All that I am asking for to-day is that the House may be pleased to refer the Bill to the Select Committee, because I feel a Bill of this character requires careful scrutiny such as can only be done effectively and conveniently in a Select Committee. It is rather difficult to discuss the merits and the drafting of a complicated Bill of this nature on the floor of the House. The Conference has done a good deal of useful work on questions of principle. The Select Committee will have to examine the Bill in detail and change it wherever change is reasonably necessary. When the Report of the Select Committee and the Bill as modified by the Select Committee will be before the House, members will have a full opportunity to place their suggestions. I may remind the members that I have already invited any help of a constructive nature that they may put forward before the members of the Select Committee.

I will next refer to some of the more important points embodied in this Bill. As was explained to the Conference and as the Conference fully realised, one of the most important points is to remove inequalities between agriculturists and agriculturists. The inequalities are of various types. Supposing there is an under-*raiyat*, who pays at the rate of say Rs. 8 per acre, under the present Cess Act he is to be assessed on the rental of Rs. 8. Supposing his immediate superior who is an occupancy *raiyat* pays at the rate of Rs. 3, he is assessed at the rate of Rs. 3. Presumably, the under-*raiyat*, who is the poorer man, pays at the higher rate. That is not all. If the neighbour who is also an occupancy *raiyat* pays rent at the rate of Rs. 3, he is assessed at the rate of Rs. 3, but the occupancy *raiyat* with an under-*raiyat* below him is assessed at a much higher rate. If the occupancy *raiyat*, from whom the under-*raiyat* holds the land, is assessed summarily, that summary valuation according to the Act may be for the entire holding

of the occupancy *raiyat* on the rent paid by the under-*raiyat* or at any rate at a rate higher than that of an occupancy *raiyat* who has not underlet.

Assuming, again, a case where an occupancy *raiyat* has let out his land to an under-*raiyat* on *barga* rent, then under section 4, on the definition of annual value, this provision comes in "Would on a reasonable assessment be payable by other persons in actual use and occupation thereof." Either that provision may be applied or the *barga* rent on a valuation may be applied. We know that *barga* rent is usually half of a produce. Therefore, when a rent in kind is paid, the assessment may be several times the assessment of the money-paying rent of the occupancy *raiyat*. Then, again, it is well known that, generally speaking, the basic rent in Bengal is customary rent, and neither economic nor competitive rent. Even in a particular district or even in a *pargana*, where there may not be difference in the quality of the land, rents may vary for a number of reasons. For example, a powerful landlord might have in the old days increased the rent in his *zemindari* or in his tenure, whereas the neighbouring landlord might not have been so powerful or might have been more considerate. The occupancy rent of the neighbouring *zemindar* remained at the old rate, while that of the other landlord was increased. There are various reasons, to which I need not go, which show that there is an inequality in rent and this inequality has nothing to do with the quality of the land or the quantity of the produce. As I have already pointed out, in any case the rent of the under-*raiyat* is higher than that of the occupancy *raiyat*. When the rent is in kind, whether that of the occupancy *raiyat* of an under-*raiyat*, who has sublet the assessment is several times higher than in the case of a *raiyat* who pays cash rent. The explanation to section 3, definition of cultivating *raiyats*, enjoins this: "When the rent is payable in kind, the money value thereof shall for the purposes of this Act be taken to be the annual value of the landlord's share of the crop calculated on the average of the three years next preceding any valuation or revaluation under this Act." We all know that valuation in the case of rents in kind is very much higher than the cash rent.

When there are under-*raiyats* of second, third or fourth degree, the assessment becomes even still higher. I could have multiplied many more illustrative instances of inequality, but it is hardly necessary to do so. Before I pass on to the next topic, I would draw attention to the definition of "cultivating *raiyat*" and of "tenure" in the Cess Act as compared with that of "occupancy *raiyat*" and "tenure" in the Bengal Tenancy Act. Under the Cess Act, a cultivating *raiyat* means a person who cultivates the land and pays a rent therefor not exceeding Rs. 100 per annum. The definition of a tenure-holder is that anyone who is not a proprietor or a cultivating *raiyat* is a tenure-holder. Take the case of an occupancy *raiyat* under the Cess

Act who holds, say, ten *bighas* of land of which he has let out say one *bigha* to an under-*raiyat*. With regard to that one *bigha* of land, the under-*raiyat* is the cultivating *raiyat* under the Cess Act. With regard to that *bigha*, at any rate I need not say anything of the other nine *bighas*, the occupancy *raiyat* is a tenure-holder under the definition of the Cess Act; but under the Bengal Tenancy Act, my lawyer friends as well as *zemindars* who deal with tenancy problems will remember that an occupancy *raiyat* is a man who acquired land for the purpose of cultivation. He may not to-day actually cultivate one *cottah* of the land, but if he originally acquired it for the purpose of actually cultivating it, then he is an occupancy *raiyat*. Similarly, a tenure-holder is a person who originally acquired land for the purpose of collection of rent, although he might be cultivating to-day the whole land himself, of course such cases are rare. Therefore, the fundamental difference in the definition of *raiyats* and tenure-holders between the Bengal Tenancy Act and the Cess Act has given rise to an expression known as "cess tenures," and this has given rise to various difficulties and anomalies in the administration and working of the Cess Act.

Then, Sir, I shall next draw attention to the fact that on one very important point it is not intended by this Act to change the principle of the original Act of 1871 as amended by the Act of 1880. The mover of the Act of 1871 when moving his Bill said that the attempt of the Cess Act would be to assess on the basis of estimated profit. The framers of the original Act found no difficulty so far as the *zemindars* and tenure-holders were concerned. In the case of *zemindars* and tenure-holders, the gross rental *plus* an estimated value of the *khas* land *minus* the revenue or rent of the land was a fairly easy problem. But when it came to finding out the estimated profit of the *raiyat*, they were in a position of great difficulty. So far as I can gather, it was assumed—an assumption which is rather unwarranted if I may say so—that one-third represented the cost of cultivation, one-third represented the rent, and one-third represented profit. As all these three are one-thirds, it was assumed that if they proceeded on the basis of rent, it would really be adopting the principle of estimated profit. I can understand that in those days there were no record-of-rights, and they were not familiar with internal conditions of the province and circumstances of *raiyats*, but even with these limitations the assumption could hardly be considered to be a satisfactory one. We all know that a rate of Rs. 3 per acre does not represent the profit; it does not represent the cost of maintenance of the *raiyat* or the cost of cultivation. But still that was the basic assumption, and it was perhaps because of that assumption that the rental basis was accepted. It was not that they did not consider other points. They did also consider the acreage rate. Amongst other things, the mover said that his position was that unless they went on the rental, he knew of no other method on which to base

the calculations about the rates on the cultivating classes for the whole of the province. He, however, accepted the acreage basis where it was possible to do so. His observations, however, on page 84 clearly show that in his opinion where an estate had been surveyed and the quality of land was nearly the same, the valuation could easily be made on the basis of acreage rate. In fact, this is embodied in sections 27 and 28 of the present Cess Act with regard to smaller classes of properties. I would draw attention of the members to clause (*b*) of section 27 as also to section 28 to show that acreage rate as a principle of assessment is really no new principle. It involves no departure from the old Act, but in substance it would mean a considerable difference. We now know what the rentals are and we also know that rentals are fairly low. There was no record-of-rights at that time in any district. Nobody knew what were the rentals in a particular district or a particular thana. Now we have fortunately these particulars in all districts but three in Bengal, and one of these districts is now under settlement. Therefore, about rent, we have materials available to-day which were not available in 1871, or in 1877, or in 1880.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 16th August, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 16th August, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 92 nominated and elected members.

Oaths or affirmations.

The following member made an oath or affirmation of his allegiance to the Crown:—

Mr. Henry Birkmyre.

STARRED QUESTIONS

(to which oral answers were given)

Headquarters of Noakhali district.

*42. **Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether the Government contemplate shifting permanently the headquarters of Noakhali district? If so, when and where?

(*b*) Is it a fact that a Committee has been formed to decide the step the Government should take in the matter?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of the members and their decision, if any?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*), (*b*) and (*c*) In view of existing and threatened erosion of its headquarter, Government have decided that the question of the future of Noakhali district in all its aspects should be examined by a Committee which will meet next cold weather. The personnel of the Committee has not yet been selected.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state how long has this erosion been going on?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: For some years.

Maulvi SYED MAJID BAKSH: Did it attract the attention of the Government before?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Yes, several years ago.

Maulvi SYED MAJID BAKSH: Did the Government take any steps about it up till now?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Yes, steps were taken.

Maulvi SYED MAJID BAKSH: What were the steps?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: I want notice of that.

Maulvi SYED MAJID BAKSH: Is the appointment of the Committee one of the steps?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Yes.

Maulvi SYED MAJID BAKSH: Why has this step been taken at such long last?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Because the river has now approached the Court buildings.

Babu HEM CHANDRA ROY CHOUDHURI: When is this Committee going to be appointed?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Next cold weather, as I have already said in my reply.

Babu HEM CHANDRA ROY CHOUDHURI: Does the Hon'ble Minister want to take any representatives of the Noakhali district in the Committee to place their views before it?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: The personnel of the Committee has not yet been decided.

Babu HEM CHANDRA ROY CHOUDHURI: I want to know whether the Minister intends to take the views of the representatives of the Noakhali district.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: That is one of the questions which will be decided in connection with the personnel.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Minister aware that the people of Noakhali are alarmed at the rumoured disruption of their districts?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Naturally.

Babu HEM CHANDRA ROY CHOUDHURI: Is there any proposal before Government regarding the disruption of the districts?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: The Committee will consider the whole question.

Corruption amongst the ministerial officers of Civil Courts.

***43. Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that a good deal of corruption exists among the ministerial officers of the Civil Courts?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate taking steps in the matter?

(*c*) Is the Hon'ble Member aware that the District Judge of Noakhali has become successful to a great extent in preventing corruption among his ministerial officers?

(*d*) If the answer to (*c*) is in the affirmative, do the Government contemplate issuing instructions to other District Judges to follow the example set by the District Judge, Noakhali?

(*e*) Is the Hon'ble Member aware that the prevention of corruption among the ministerial officers of Civil Courts, Noakhali, has led to increase of—

(*i*) search, amendment and other petitions; and

(*ii*) Government revenue?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir William Prentice): (*a*), (*b*) and (*c*) Government have no evidence of widespread corruption such as is suggested in the question, but the District Judge of Noakhali has recently reported the existence in that district of serious laxity and of various irregularities of procedure, to remedy which he has taken certain measures.

(*d*) As a result of what has come to light in Noakhali the High Court have made a communication to all District Judges.

(*e*) The steps taken by the District Judge of Noakhali with respect to—

(*1*) the filing of petitions and other documents in court,

(*2*) the granting of unauthorised information, and

(*3*) the issue of surreptitious copies,

have led to an increase in the number of petitions filed and to a large increase in applications for information. A substantial increase of Government revenue may be expected to result.

Babu HEM CHANDRA ROY CHOUDHURI: In regard to (*d*), will the Hon'ble Member be pleased to state the subject matter of this communication?

The Hon'ble Sir WILLIAM PRENTICE: Speaking from memory, I think it called the attention of the District Judges to what has been discovered in Noakhali and suggested that they should take action in their own districts and see that the same condition of things did not prevail there.

Babu HEM CHANDRA ROY CHOUDHURI: Did this communication relate to any inquiry to be made in the working of the Civil Courts?

The Hon'ble Sir WILLIAM PRENTICE: There is no specific direction for an inquiry.

Mr. P. BANERJI: Do the Government propose to make inquiries in other districts?

The Hon'ble Sir WILLIAM PRENTICE: The High Court has already issued the circular and, in due course, we shall hear the results.

Ministerial service in the office of the District Judge of Noakhali.

*44. **Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the District Judge of Noakhali has recently appointed a candidate of Chittagong in ministerial service in his office?

(*b*) Is the Hon'ble Member also aware that there were several graduate candidates of the Noakhali district?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reason for appointment from an outside district?

The Hon'ble Sir WILLIAM PRENTICE: (*a*) and (*b*) Yes.

(*c*) The District Judge held a competitive examination and the clerk who was appointed was found to be the best of the available candidates.

Babu HEM CHANDRA ROY CHOUDHURI: Is it not a fact that any graduate of the Calcutta University may carry on the work of a clerk in the Civil Court?

Mr. PRESIDENT: I do not understand your question.

Babu HEM CHANDRA ROY CHOUDHURI: Sir, there was a vacancy in Noakhali, and although there were graduate candidates within the district, an M.A. from the Chittagong district was taken in.

Mr. PRESIDENT: That is no supplementary question. You are criticising what had happened.

Maulvi SYED MAJID BAKSH: With reference to (*c*), why was the appointment not restricted to the inhabitants of the district?

The Hon'ble Sir WILLIAM PRENTICE: I have heard of restricting appointments in Bengal to Bengalees, but I have yet to hear of restricting appointments in districts to inhabitants of the districts.

Maulvi SYED MAJID BAKSH: If Bengal for Bengalees, why in other districts——

Mr. PRESIDENT: Order, order.

Mr. SHANTI SHEKHARESWAR RAY: Are there any rules for the guidance of officers who make such appointments?

The Hon'ble Sir WILLIAM PRENTICE: As I stated the other day, these appointments are made under the Civil Courts Act, and there is no provision in this Act for such rules.

Babu HEM CHANDRA ROY CHOUDHURI: Is it not a fact that usually the inhabitants of districts are taken in the ministerial offices of the district?

The Hon'ble Sir WILLIAM PRENTICE: Probably, as a rule most of the applicants come from the district. But in this particular case there was a competitive test, and as it happened a candidate who came from Chittagong headed the list.

Certain stations on Rajbari-Faridpur Branch Railway.

*45. **Rai Sahib AKSHOY KUMAR SEN:** Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to lay on the table a statement showing for each of the years commencing from 1929 to 1932—

(*i*) the income derived from Shivarampur, Khankhanapur and Basantapur railway stations, and

(*ii*) the cost incurred for the maintenance of those stations?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*i*) A statement showing the "outward" earnings (*i.e.*, those from passengers and goods departing from the stations) is laid on the table. No figures are available of the "inward" earnings (*i.e.*, those from passengers and goods arriving at the station), and it would necessitate a lengthy and laborious investigation to compile such a statement, which in the circumstances Government are not prepared to request the Railway authorities to undertake.

(*ii*) The compiling of figures showing the cost of maintenance of these stations inclusive of the cost of maintaining the tracks, bridges, buildings, roads, signals, etc., constituting the stations, would also be a lengthy and expensive process. Government are, therefore, in this matter also, not prepared to ask the Railway authorities to undertake the compilation.

Statement referred to in the reply to starred question No. 45 (i) showing the earnings of Shivarampur, Khankhanapur and Basantapur stations for the years 1928-29 to 1931-32.

Years.	Forwarded passenger earnings.	Forwarded other coaching earnings. (a)	Forwarded goods earnings. (b)	Total of columns 1 to 3.
	1	2	3	4
	Rs.	Rs.	Rs.	Rs.
SHIVARAMPUR.				
1928-29	15,288	2,643	1,439	19,370
1929-30	15,152	2,924	2,214	20,290
1930-31	11,989	2,369	2,267	16,625
1931-32	8,341	2,921	991	12,253
KHANKHANAPUR.				
1928-29	17,110	2,644	76,633	96,387
1929-30	17,918	2,234	1,10,851	1,31,003
1930-31	15,935	1,682	1,25,820	1,43,437
1931-32	12,761	903	62,022	75,686
BASANTAPUR.				
1928-29	6,397	844	10,604	17,845
1929-30	7,896	557	8,743	17,196
1930-31	6,702	379	16,036	23,117
1931-32	4,654	382	11,389	16,425

(a) Excluding earnings from parcels booked to Foreign Railways, which are not available.

(b) Excluding earnings from traffic to East Indian, North-Western, Great Indian Peninsula and Bombay-Baroda and Central India Railways, which are not available.

Kharagpur Railway Station platforms.

***46. Mr. R. MAITI:** (a) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the Kharagpur Railway Station on the Bengal-Nagpur Railway have lengthy platforms uncovered by any shed and that the travelling public are put to inconvenience both in the rains and in the sun?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of drawing the early attention of the authorities of the Bengal-Nagpur Railway to this matter?

The Hon'ble Mr. J. A. WOODHEAD: (*a*) Yes; the convenience of the public would be increased if the platforms were covered.

(*b*) The attention of the Railway authorities has already been drawn by the Calcutta Local Advisory Committee of the Railway to the desirability of covering the Kharagpur platform. The proposal was inquired into in 1927 and the cost was then estimated at about Rs. 4,00,000, and in recent years, owing to the shortage of capital and decrease in earnings, especially in passenger traffic, the Railway has been unable to justify such an expenditure.

Mr. R. MAITI: With regard to (*b*), has the attention of the Railway authorities been drawn to this matter recently by Government?

The Hon'ble Mr. J. A. WOODHEAD: Not by Government, but by the Calcutta Local Advisory Committee.

Retrenchment in the Calcutta Port Trust.

***47. Maulvi NURAL ABSAR CHOUDHURY:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that the Port authorities recently launched a scheme for retrenching their staff?

(*b*) If the answer to (*a*) is in the affirmative, how many Mussalmans coming under the Fundamental Leave Rules have been retrenched?

(*c*) Are the Government aware that some of the Railways also have lately been reducing their staff?

(*d*) If the answer to (*c*) is in the affirmative, are the Government further aware that though the Railways laid down certain general principles for reducing their staff, they made provisions for maintaining the communal proportion in the number of their employees at a specified level?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Calcutta Port Trust has observed any such principles?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state the accurate figures with regard to the number of employees belonging to other communities and the ratio of the number discharged to their present strength in the roll of employees coming under the Fundamental Leave Rules?

(*g*) Is it a fact that some of the Port Trust employees who had been retrenched according to the terms of the latest retrenchment scheme were afterwards recalled?

(*h*) If the answer to (*g*) is in the affirmative—

(*1*) how many were altogether recalled; and

(*2*) of those recalled how many were Mussalmans?

(*i*) How many Mussalman employees in the Calcutta Port Trust retired voluntarily or proceeded on leave preparatory to retirement after April 1, 1933?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Yes.

(*b*) 20.

(*c*) and (*d*) Yes.

(*e*) No.

(*f*) Does not arise.

(*g*) Yes.

(*h*) (*1*) 5.

(*2*) One.

(*i*) 4.

Maulvi SYED MAJID BAKSH: Does the Government of Bengal exercise any authority over the Calcutta Port Trust?

The Hon'ble Mr. J. A. WOODHEAD: I would refer the Hon'ble Member to the Calcutta Port Act.

Maulvi TAMIZUDDIN KHAN: With reference to (*d*), do the Government consider the principle followed by the Railway as equitable?

The Hon'ble Mr. J. A. WOODHEAD: That is a matter of opinion, Sir.

Mr. NARENDRA KUMAR BASU: Is it not a fact that retrenchment in the Calcutta Port Trust has taken the form of retrenching the low paid staff and not retrenching the higher paid staff at all?

The Hon'ble Mr. J. A. WOODHEAD: I do not think so, Sir, because I do know of instances of the higher paid staff having been retrenched.

Dr. NARESH CHANDRA SEN GUPTA: Is it not a fact that the number of higher appointments made in recent years have been retained and no attempt has been made to retrench any one of them?

The Hon'ble Mr. J. A. WOODHEAD: I would refer the Hon'ble Member to the answer I have just given to Mr. Basu.

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Cess (Amendment) Bill.

(The Hon'ble Sir Provash Chunder Mitter resumed his speech from here it was interrupted on the 15th August, owing to adjournment.)

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I dealt yesterday in a general way with inequalities of assessments between cultivator and cultivator. I will next place before the House some specific materials from a number of districts, showing how high was the increase in the road cess in these districts in assessments under the existing Act. I will also endeavour to show that a good part of higher burdens was placed on poorer cultivators, *e.g.*, the under-*raiyats*. This higher burden was placed on them because under the present Act, assessment being on rental basis, their higher rent, whether in cash or in kind, or when there were *barga* to these under-*raiyats* resulted in higher liability to cess. First I will place some figures about the total demand for cess in these districts:—

	Previous to revaluation.	*After revaluation.*
	Rs.	Rs.
Jessore ..	2,26,655 (1924-25)	4,45,739 (1927-28).
Nadia ..	1,94,079 (ditto)	3,23,131 (ditto).
Pabna ..	1,63,767 (1927-28)	2,77,993 (1931-32).
Bogra ..	1,31,720 (ditto)	2,51,497 (ditto).
Khulna ..	2,78,036 (ditto)	7,01,000 (1932-33).

In order to give an idea of the higher burden on the poorer cultivator, I will place some figures from the Jessore Settlement Report.

Total *raiyati* holdings (rent-paying) under the Bengal Tenancy Act	871,576	
(*a*) Treated as tenures under the Cess Act	281,417	(over 30 per cent.)
(*b*) Treated as cultivating *raiyats* under the Cess Act	590,159	
(*i*) Cash rent	551,223	
(*ii*) Produce	38,936	
Total under-*raiyats*	877,093	
(*i*) Cash rent	836,744	
(*ii*) Produce	40,349	

It appears from these figures that the number of under-*raiyats* is very high. It further appears that occupancy *raiyats* who are treated as cess tenure-holders are roughly over 30 *per cent.* of the total of occupancy *raiyats*.

In fact, numerically the under-*raiyats* are about 6,000 more than the total number of occupancy *raiyats*. Hon'ble members will realise from this how high this burden must have been on the under-*raiyats* who pay produce rent and how this burden lies generally on all produce rent-payers. This increase in Jessore, Pabna and Khulna and other districts fell largely on under-*raiyats* and a section of occupancy *raiyats*. It is a question of adjustment between cultivator and cultivator. If you adjust between cultivator and cultivator, should you not try and see that the poorer cultivators are not as heavily assessed as they have been in the past? That is one of the principal objects, and if I may say so, the principal object of the Bill. If we want to relieve the poorer section of the cultivators and if we must proceed on the assumption that the total cess income will remain at a certain figure, whatever that figure may be and whatever the increase may be, then those cultivators who are better off or escaped lightly under the present Act will have to bear a portion of their legitimate burden, so that those who are poor or bore a higher burden may be relieved of a portion of this somewhat inequitable burden. This I explained more than once to the several conferences that were held and the members of the conferences with their sense of fairness saw how inequitable this was to the poorer section of the cultivators and, accordingly, so far as I remember, they unanimously recommended that this adjustment was very desirable. In this connection, I would draw the attention of the House to the

fact that the average rate of rent for *raiyats* at fixed rent in the district of Jessore is Re. 1-5 per acre, for occupancy *raiyats* Rs. 2-7 per acre and for under-*raiyats* Rs. 3-14 per acre. Presumably, the *raiyats* at fixed rent are better off than the under-*raiyats*. Their rate of rent is less and they pay the lowest amount of cess. The occupancy *raiyat* is also better off than the under-*raiyat* particularly when the under-*raiyat* pays produce rent and his liability for cess is lesser than the liability for cess of the under-*raiyat*, whether he pays cash rent or produce rent. Take for instance the district of Jessore. There the average value of gross produce per acre was Rs. 57 at the time when the settlement record was prepared. My esteemed friend, Khan Bahadur Abdul Momin, I believe, was then the Settlement Officer, and he knows all about it. I showed yesterday that under the present Cess Act certain types of cultivators get assessed at the *barga* rate, that is, half, although the Jessore assessment was possibly less than half. If you take half of Rs. 57, it is Rs. 28-8 as against Re. 1-5 for a *raiyat* at fixed rent and Rs. 2-7 for an occupancy *raiyat*; if you take one-third, that is Rs. 18-12, it is about nine times more than the rent of the *raiyat* at fixed rent. You have only to examine the figures to see how inequitable the burden is between one cultivator and another. A similar position appears from an examination of the Settlement Report of Khulna. There the rates are as follows:—

	Per acre.	
	Rs.	A.
Raiyats at fixed rent	2	6
Occupancy *raiyats*	3	6
Under-*raiyats*	5	0

and the average value of produce per acre at the time of the record-of-right was Rs. 60; half of that would be Rs. 30, and one-third Rs. 20. So the figures for Khulna are equally eloquent, or for the matter of that, if you examine the figures in the record-of-rights of any district, and if you examine them with care and patience, you cannot but come to the conclusion that the burden is higher on those on whom it should be the lowest. It is unnecessary to multiply instances, and I do not propose to take the Council into the figures of any other district.

I will next endeavour to show that the provisions of section 107D of the Bill will produce far better and far more equitable results. In that section, there is first a limit put at one-fifth of the value of the produce as the highest valuation on which the cess can be assessed. Under the existing Act, as has been explained, half of the gross produce can be taken in a certain type of cases, not as the limit but as the valuation on the basis of which cess can be imposed. I have just now explained that even if you take it at one-third you will see how

much higher it is than our present proposal. It will further appear that this one-fifth is not the maximum limit for the purposes of assessment of the cess, because under section 107M of the Bill, whatever rent the tenant pays will be deducted. This arrangement about deduction of the rent is important, as it will automatically ensure justice. Suppose one-fifth of the total value of the produce is Rs. 10 or Rs. 12, a man who pays Rs. 8 as rent will get a deduction of Rs. 8 from Rs. 10 or Rs. 12, and a man who pays Rs. 4 will have a deduction of Rs. 4 from Rs. 10 or Rs. 12, so that the more a tenant is rack-rented the more lightly he will escape. Under the present Act, there is no such provision. What are the other provisions of section 107D? Having put the limit to one-fifth, the value of produce, there are these other important factors to be taken into consideration, namely, the rate of rent payable by agricultural tenants as also the existing road cess and public works cess in the districts. Supposing in a particular district, say Khulna, before revaluation, the total cess was Rs. 2,78,000. That factor would have been taken into consideration along with the figure about rent prevailing there and along with the factor of one-fifth of the total value of produce if the last revaluation were under the Act proposed. We do not for a moment say that there should not be any increase in cess. Indeed, it is necessary and desirable if the District Boards are to function and carry on their beneficent activities, that there should be an increase in cess, but we have laid down a procedure by which that increase of cess will be more equitable and people should know in advance and not be in the dark as to what that increase is going to be. I am going to develop that last-mentioned point presently. In examining section 107D, it will further appear that the value of agricultural produce and the price obtained during the preceding three years will be taken into consideration so that when there is an economic depression as at the present time that factor will weigh, and when prices are high as things were a few years ago, and as I hope things will soon be, that factor will also weigh as the taxable capacity of a person depends on his income.

I may mention that some questions were put to me outside this House by some members who are interested in the improvement of District Board administration and by landlords who are apprehensive that this may lead to higher assessment. Those interested in District Board administration put it to me "Will it not be possible to increase the cess?" On the other hand, the landlords asked "Will our cess be increased too much?" My answer to both sets of inquirers was the same—the cess may be increased, but that increase will be on a basis known to the public, that increase will be on a basis of which the Ministry will take cognizance, and the Board of Revenue will take cognizance; above all, it will be on a fair and equitable basis. I claim, therefore, that our proposals are more fair and more satisfactory than the provisions of the existing Act.

Another important point to which I would like to draw the attention of the House is that we propose in the Bill a preliminary publication of the suggested acreage rate. Such publication will enable the cultivator and others interested in land to submit their objections before the acreage rate is finally determined. The parties affected, landlords as well as tenants, will have the right to take up their objections to higher authorities. I would in this connection also draw the attention of the House to section 107F, sub-clause (3), which makes it necessary for the Collector to submit his proceedings at that stage to higher authorities and ultimately the Local Government shall publish the rate in the *Calcutta Gazette*. These provisions, I submit, are valuable safe-guards not only for the tax-payers, but also for those who want the District Boards to go on with their beneficent activities with more funds. It will lead to a fair adjustment of claims of the two, but nothing will be done in the dark. That is an important point. I claim that as compared with the procedure of the present Act where the Cess Revaluation Officer, the Collector, the Commissioner and the Board of Revenue have of necessity to deal with this question on files dealing with individual cases and have to work in the dark, under the present system when these officers have to deal with a tract they will have to deal with well-known facts mostly based on statistics. Under the present system, there may sometimes be a fraudulent suppression of important facts on questions in which individuals are interested, but in a wide tract the whole tenantry is interested, and the District Board is also interested, so things will be done in the open. If there be additional burden, that additional burden will be imposed by the Collector with the knowledge of the local public and with the safeguard of the higher authorities examining whether that additional burden is fair and equitable.

Then there is another defect in the present Act. I have given instances of Khulna, Pabna and Bogra; in all these three districts the Board of Revenue, the Government and the District Board had to come to the conclusion that the assessment was so high that it is not possible after the economic depression to collect the cess fully, but the assessment being there, it was the duty of the officials to collect it. It was found that in spite of the certificate procedure (and I have heard so many complaints about the free use of the certificate procedure), they could not get the money because the assessment was so high. So the District Board, the Board of Revenue and Government had to come to the reluctant conclusion that the rate should be reduced in three of these districts by 25 *per cent.* and in another district (I am speaking from memory) by 12½ *per cent.* But that is not fair for this reason, that the occupancy *raiyat* who pays a moderate cash rental has not got that claim for reduction as one who pays either a high cash rental as an under-*raiyat* or an occupancy *raiyat* who has let out in *barga* or pays produce rent. As we had

no other option, we had to accept that. Furthermore, under the present Act, so long as the whole proceedings are not completed, so long as the total is not struck, nobody knows what the demand is going to be, and when the total is struck, if the cess revaluation officer or any other higher authority sees that the increase is too high and if a change is wanted, it means another revaluation which again means expense, and these expenses are borne by the District Boards. So under the present Act, if you want to give relief by a fresh revaluation, we have to punish the District Boards doubly. After all, the District Boards depend on tax-payer's money and if you punish them doubly by making them pay the expenses twice over, ultimately it will be the tax-payer who will have to pay for it and that tax-payer will be the cultivator, or the tenure-holder or the *zemindar*. This is another serious defect of the present Act.

Sir, I have dealt with most of the important questions of principle of this Bill so far as assessment is concerned. There are yet other questions of importance but they are of subsidiary importance. As we are going to have a Select Committee, I do not propose to take the House through those questions—questions like the extent of the area over which assessment will be imposed, and so on and so forth. Furthermore, most of these matters will arise as subsidiary questions connected with the new system proposed to be introduced. There are, however, two points which I shall just touch in a few sentences. One is about collection of cess from rent-free tenure-holders. Under the present Act, complaints about difficulties of realisation of cesses, particularly from rent-free tenures, are very insistent. Those who have examined the Bill will see that we have given a number of facilities for minimising those difficulties. I do not propose at this stage to discuss any details on that subject.

Another point which I think I should refer to in these preliminary observations of mine is that we have allowed those *zemindars* who pay their cess punctually a rebate of 5 per cent. This proposal is largely based on the principle that it is business-like to grant rebates to ensure punctuality of payment. As that is a new principle I think it proper to mention it here. This was also discussed in the conference.

These, Sir, I think, are all the points which I need bring to the notice of this House at this stage. I may again repeat that as the Bill is going to a Select Committee and as we do not propose to hurry it through, every opinion will be welcome, and I need not go into further details.

I commend my motion to the acceptance of the House.

MUNINDRA DEB RAI MAHASAI: On a point of order, Sir. The Hon'ble Member in charge of the Bill informed the House

yesterday that he had collected some opinions from public bodies. Will he be pleased to circulate them to the members or place them on the table?

The Hon'ble Sir PROVASH CHUNDER MITTER: I did not say I had collected. What I did say was that we had written to public bodies, and I said we had given a time-limit; speaking from memory, it is either 18th or 20th August or September. The procedure we want to follow is this: We want to place in the first instance those opinions before the Select Committee and certainly when the Bill comes before the House, those opinions will be available to the members.

Mr. PRESIDENT: As there are several amendments for the circulation of this Bill which are substantially identical, I have decided that Kishori Babu's amendment, No. 35C, should be moved.

Babu KISHORI MOHAN CHAUDHURI: Sir, I move that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th September, 1933. I was hesitating to move the amendment, but as I hear to-day that there is an intention to increase the cesses under the new arrangement, I cannot but protest against the proposal, and I think for that reason the Bill should be circulated for public opinion. This cess is an infringement upon the permanent settlement, and there was a strong opposition at the time when this cess was imposed. At present there is a complaint from the *zemindars* that they are hard pressed, especially for two reasons: One is that they are not allowed any collection charges for this, and there is another difficulty, namely, that whenever any estate is in arrears, the cess is tagged on to the arrear revenue and the estate is put to sale for both the demands. It is for these reasons that the *zemindars* are pressing for a reconsideration of the thing, and they are trying to get rid of the liability of realising cesses and paying to Government regularly, whether they are in a position to realise or not. There is also the complaint on the side of the tenant that in these days of economic depression, it is very difficult for them to pay the rent and the cesses and they think that at least for some time there should be some remission in some shape, not only for the cess, but also for rent as well as interest. So there is a general demand that the cesses should not be realised in the way in which it is being done. There is again the education cess. The Act has been passed, but fortunately it has not been put into operation. That is another burden which has already been imposed, of course for the benefit of the people; but in these days of economic depression, if the cesses are increased and also that education cess is realised—of course, it will be very soon realised; that Act is in abeyance now, it will come into operation very soon, and there is a demand that compulsory education should be introduced at an early date—in that state of things it would be a heavy burden. So whether there should be an attempt

to increase the cesses or there should be some remission in some shape is an important matter for consideration, and whether this should be done by way of increasing the cess or by imposing taxation on permanent settlement is a very grave question, and I think it should be thoroughly discussed and the people should know in detail what the position is. So before referring the Bill to Select Committee and accepting the principle of the Bill, I think it is but desirable that the public should be given an opportunity of knowing what the things are, how the incidence of taxation will be borne by the people, whether it will be for their benefit or it will increase their hardship—all these things ought to be considered, and in this view I think it is very desirable that the matter should not be referred to the Select Committee now, but should be circulated for eliciting public opinion.

With these words I commend my motion to the acceptance of the House.

Mr. SARAT KUMAR ROY: Sir, I welcome this Bill, as I am told that its main objects are to remove certain anomalies and inequities that exist and hardships that arise in the administration of the Cess Act of 1880 and which have been so ably and elaborately pointed out by the Hon'ble Member in charge of the Bill, and I am glad that facilities for collection of cess from holders of rent-free lands have been provided for and also provision has been made to give a rebate to the holders of estates for paying their dues punctually within the *kist*.

All these are very well, and the proposed Bill, if passed by the House, would certainly give some relief to the *raiyats* and the *zemindars* concerned, and we should have considered ourselves fortunate if besides these objects, the Bill did not contain any change of policy in the levy of the tax.

But, Sir, I must admit candidly that I am bitterly disappointed in my expectations when I apprehend what would be the ultimate result when the Act comes into operation.

And to explain to you my apprehensions in this connection, I may be permitted to discuss shortly the fundamental principles which underlie the Act of 1880, and I will try to show how these principles have been departed from, or rather ignored altogether, in the present Bill; and how disastrous would be the result of such change of policy, upon the *raiyats* and *zemindars*, I mean the whole landholding community of Bengal.

Sir, it is an acknowledged theory that the British Raj gave a solemn pledge to the landholders of Bengal in 1793 that the public burden upon the soil would remain unaltered for ever, and besides the revenue thus fixed, no further exclusive tax would be imposed upon us for all

times to come. But, Sir, in 1871 this pledge was practically withdrawn. We were given the consolation that the measure was not in fact any infringement of the sacred pledge of 1793, inasmuch as the liability was not exclusive but imposed upon us, not in consideration of the fact that we are owners of lands or holders of lands, but because we are citizens of the province just as others possessing no landed interests in the province undoubtedly are; and we can have no ground for complaint if on account of fresh exigencies, any additional burden is imposed upon us along with the non-agriculturists. That was the answer justifying the levy of additional burden upon us, which was given by the then Secretary of State for India, His Grace the Duke of Argyle, to the letter of Sir William Grey, dated the 30th April, 1869, remonstrating the levy of the burden.

But, Sir, even in the Act of 1871 this policy was not literally followed and non-agriculturists were excluded from the operation of the Act.

But, Sir, notwithstanding this injustice shown to the agriculturists, I must acknowledge that the Act of 1871 or that of 1880 did recognise some fundamental principles of this additional taxation; and they are—

"That the character of these taxes must be local, to be emphatically marked by committing both the assessing of them and the application of them to local bodies (*vide* page 116 of the Council Proceedings of 1871)."

But in this respect, I find there has been a material departure in the present Bill, because it has sought to transfer the assessment to the Local Government who are only to consult the wishes of the local authorities.

Then, Sir, I discuss the principles of assessment. The Cess Committee of 1870-71 observed that there were three modes on which the assessment could be made—first, by fixing an increment on the Government *sudder jama;* secondly by a levy of tax upon the acreage of land; and thirdly, by a levy according to the annual valuation of the land; of course, they adopted the last measure, accepting the gross rental as the annual value. Accordingly, each person of the community was asked to contribute to the public exchequer in proportion to his income from his land, such income being the subject matter of taxation.

Accordingly, the *zemindars* and other rent-receivers now contribute upon the basis of their net income, that is, the difference between the rent received and the rent or revenue paid. With regard to the *raiyats*, their net profits were accepted to be equal to the cash rent they pay to the superior landlord. The advantages thereby secured to the community lay in that each party, that is the *zemindar*, the tenure-holder or the *raiyat*, is called upon to contribute only so

long as he enjoys or can enjoy certain income from the land and that in proportion to such income. The question what that income was, was left to be determined by the collector on a voluntary statement of the assessee, I mean his return of income of his property; thus the levy of the tax was to a certain extent made upon a voluntary admission of facts by the assessee, as was explained to the Council by Mr. V. H. Schalch in 1871, and he said:—

"We allow that there is this difficulty, and we are prepared to face it rather than do away with *the keystone of the structure of the Bill*, namely, what we may call voluntary valuation, by which we endeavour, as far as possible, to assess each man on his own valuation, and thereby avoid the necessity of having any separate assessing establishment (page 118)."

Evidently, therefore, the keystone of the measure was—

(*1*) that there must be some profit from land;

(*2*) that what that profit is must be ascertained from a voluntary statement of the assessee; and

(*3*) that the tax to be imposed must depend upon the amount of the income derived by the assessee himself.

These principles, I must say, find no place in the present Bill.

No doubt, the question of assessing cess on the acreage basis was also considered at that time, but was not adopted for the reason that then the Government had no sufficient information on the subject. The information has been acquired since then, and the Government now wants to utilise it. And hence this Bill.

Here the collectors have been given the power to assess not upon the admission of the parties to be assessed; not upon a consideration of what income the assessee derives from the particular plot of land of which cess is demanded; not even the tax would bear any fixed proportion to the benefit derived from the land, but rather it will be irrespective of it.

This is a serious derogation of the existing rights of the landholding community under the existing Act. They have hitherto the consolation that they are asked to pay only when there is income and that in proportion to such income. They will now have to pay at a rate which will have no bearing whatsoever on the income. They will have to pay for the good land and the bad land at the same rate, only on the hypothetical ground that all these lands are situated within the same unit area of calculation and are not altogether unproductive waste. Sir, this innovation does not commend itself to me at all; it will be, I am afraid, very much perplexing to the illiterate *raiyats* to find that they are being asked to contribute for one piece

of land, say a *bigha* in area, which yields Rs. 20 a year, the same amount of cess as for another piece of land which yields Rs. 2 only, though of the same area.

Then, I come to the question which was also discussed in the Council in 1871, regarding a fair remuneration for the duty discharged by landholders for collecting the cess from the *raiyats*. In this connection, it is erroneous to accuse, Sir, that because we are holders of revenue-paying estates and have stipulated to pay a fixed *jama* to the Government for ever, we are bound to collect whatever is due to Government from the people, simply because they occupy land under us, and to transmit such dues to the public exchequer, without any remuneration but with full responsibility. But, Sir, in justifying the levy of the cess upon us, it is said that we are being taxed not because we are *zemindars*, but because we are citizens. I do not understand how one can ask us to discharge the function of collection and say that, in that respect we are *zemindars* and, therefore, we must realise the cess. I say that the obligation imposed upon us is not warranted by the stipulations we entered into with the Government, while accepting the permanent settlement, as it is no part of it.

The Government, therefore, cannot ask us to discharge this obligation and also enforce responsibility for it without giving us adequate remuneration for it. The question of remunerataion was raised in the Council in 1871, and we were told this remuneration consisted in the allowance which we get in the shape of a reduction at the full rate upon the amount of *jama*, that is the revenue or the rent paid. But, Sir, I fail to understand the value of the argument put forward. The fundamental principle remains that each man must pay in proportion to his income; now a *zemindar's* income consists in the difference between rent received and the revenue paid. He is now paying his cess in full upon this income; hence, the *zemindar* is getting no remuneration; but still he is held responsible for collection and punctual payment to the public exchequer; though generally he does not succeed in recovering the *raiyat's* share in time.

However, I must thank the Hon'ble Revenue Member in charge of the Bill that he has made a provision for giving a rebate to the *zemindar* on the amount paid by him if paid punctually within the *kist*. But the rebate is only 5 per cent. as mentioned in the Bill. It is wholly inadequate. I submit, Sir, nothing short of 25 *per cent.* can be deemed proper, considering the responsibility.

Then, Sir, I come to another aspect of the Bill. The Collectors have been given jurisdiction to determine the acreage rate by taking into consideration various factors of which one is the prices prevailing for a period of 5 years for all produce of all agricultural lands in the area.

Produce is a general term and does not mean only the staple food-crops as is accepted in the Bengal Tenancy Act while fixing the enhancement, and I submit, Sir, that if the value of such produce as jute, sugarcane, tobacco, etc.,is taken into consideration and the acreage rate determined on an average of these values, application of such acreage rates to fallow lands or lands upon which commodities fetching lower value are grown, would be really improper. I, therefore, strongly deprecate the method of assessment that has been adopted.

I agree with the Hon'ble Member that gross inequities have arisen in the existing state of things because, of the extensive subinfeudation in some of the districts of Bengal, but the remedy sought in this Bill is worse than the disease.

Now, I come to the question how the purse of the whole landholding community will be affected.

Bengal's main resources consist of her agricultural produce; and after all, this tax is a tax on the agriculturists, by which term, I mean all those, the *zemindars* and the *raiyats*, who depend upon the profits of agriculture.

But the value of agricultural produce is not confined to the agriculturists alone; it is always distributed among the agriculturists and non-agriculturists—the industrialists and commercialists—and I think the latter intercept a very large share of the total value.

Under the present policy, the public burden of Bengal is always being augmented upon the agriculturists; the non-agriculturists are practically exempted. But are they not equally interested in the development of roads, etc.?

I, therefore, entertain grave apprehensions on any change of policy, which is directed towards augmenting the public burden upon agricultural interests, the mainstay of Bengal.

Lastly, we are not aware what will be the position when the altered policy is put into operation. I, therefore, think this House is not in a fit position to express its correct opinion on the subject. Besides, on every occasion for a change of the revenue policy, public opinion ought to be consulted.

I, therefore, think it advisable to support the motion for circulation.

Babu KHETTER MOHAN RAY: Mr. President, Sir, I have great pleasure to be able to congratulate the Government for bringing forward this Bill to amend the cess law of our country, which was long overdue.

Sir, the present Bengal Cess Act was passed in 1880; and the conditions of the country, during the last 50 years, had undergone considerable change. It is no wonder that in recent times dissatisfaction was expressed in this Council not only with the present system of valuation of lands, but also with the present mode of collecting cesses. The circumstances under which the landholders were burdened with the obligation of realising cesses from their tenants and paying them to the Collector were quite different from those which obtain at present. Surely, the time has come when the landholders ought to be relieved of this responsibility. It is said that the costs of direct collection of the cesses would be prohibitive and the attempt to give relief to the landholders will be futile. Sir, I beg to submit that those who are averse to any change in the mode of collection of cesses have not carefully examined the present conditions of the country. Sir, the Union Board system has been introduced in the province which covers almost the entire area of the country. These Boards can be converted into useful machinery for realising cesses which will involve considerably less cost. I referred to this question in a debate recently held in the Council. The Hon'ble Member in charge of the Revenue Department turned down my suggestion, on the ground that difficulties would be experienced in realising cesses of the tenures and holdings which lie within the jurisdiction of two or more Unions. These difficulties are not insurmountable. For the purposes of collection of cesses, these tenures and holdings may be registered in one Union Board. There are several estates in the province which lie within more than one district, surely the Government do not find any difficulties in realising cesses from the holders of these estates. With the economic depression which is crippling the resources of the country and the non-payment of rent propaganda which is being still carried on, the landholders find it extremely difficult to realise rents from their tenants. If the Government are disposed to relieve the *zemindars* of this onerous duty, this is the proper time when an attempt should be made in this direction. If the Government do not see its way to exempt the landholders from the task of realising cess, then I should like to impress on the Government that the landholders should be given summary powers to realise cesses. Sir, as I have already referred above, tenants are sometimes led astray by propaganda carried on by mischievous persons and cease to pay rents and cesses. This increases the difficulties of the landholders in realising cesses. Therefore, it is just and proper that they should be empowered with powers to take summary procedure in order to realise rents and cesses. I hope Government will make some provision for speedy collection of cess by the landholders.

However, I am glad to say that though the Government have negatived the idea of granting any relief to the landlords in the matter of collection of cesses, they have made a bold attempt in the Bill to

change the system of the valuation of the lands. An acre rate is introduced in this Bill as the basis for valuation of the lands. But I must confess that I am not without any misgiving about this system. The highest acre rate has been fixed at one-fifth of the annual produce of the land. It is a limit which the Collector cannot exceed in valuing the land. It seems that one-fifth of the produce is too high when we consider the average rate of rent per acre is about Rs. 4 and the prices of the gross produce per acre of the jute and paddy are about Rs. 70 and Rs. 36, respectively, even at the reduced level of prices. In the pre-depression period, average prices of the produce of jute and paddy lands were about Rs. 120 and Rs. 60, respectively. Though there are certain limitations imposed on the Collector in valuing the land, in the shape of instructions to which his attention should be directed, they have no binding force on him. Besides, when the maximum limit is fixed, it will be natural for the Collector to reach it in order to increase the cess. Every time when revaluation is made, the tendency of the Collector will be to increase the total cess of the district by raising the acre rate for one reason or other. The instructions contained in section 107D will be of little avail to restrain him in his onward march to reach the limit. On the other hand, there is no provision for remission or reduction of cess on the ground of hardship or some other cause.

In this Bill provision has been made for granting a rebate of 5 *per cent.* to those landholders who will be able to pay the cess on or before the date on which the same become due. In the present state of the country, this concession will prove illusory, as very few landlords will be able to pay cess in time. This system of the rebate seems to be introduced in the Bill to grant relief to the landlords for being burdened with the responsibility to realise and pay cess to the Collector. But I must say this is a poor compensation for the onerous duty which has been cast upon their shoulders. I may point out that in the case of rent-free lands, landholders are granted some benefits under section 51 of the Cess Act; the landlords have to pay cess at one-half of the rates fixed under this Act. I do not see any reason why the same or similar concessions should not be granted to them in the matter of realisation of cess from the *mal* lands. I hope and trust that the Government will give their earnest attention to this aspect of the question.

The provision for exempting certain classes of lands such as forest, path, *jungle*, river, *khal*, cremation and burial-ground, waste and marshy lands, etc., and abolition of cess tenures into which holdings are converted for the purposes of cess assessment in cases of holdings in which certain parts however insignificant are sublet is the principal feature of the Bill which will be beneficial both to the landlords and tenants alike. Assessment on the waste and other

lands and cess tenures are the most objectionable features of the present Act, which weigh down heavily on the landholders and the tenants. It is on account of these mischievous and inequitable provisions in the present law that in the district of Khulna in which revaluation was held in recent times that the total cess assessment of the district which was at Rs. 2 lakhs and odd was raised to about Rs. 7 lakhs. This may be said of Jessore and other districts where revaluation was held after the publication of the record-of-rights.

I heartily congratulate the hon'ble mover of the Bill that he has been able to remove these obnoxious features of the present Act from the Bill. Extension of the period of limitation for recovery of cesses and reduction of rate of interest in certain cases are beneficial both to the landlords and the tenants alike.

Considering the bold departure from the present system of valuation to a change in the principle of valuation based on acre rate and other measures introduced in it, the Bill ought to be laid before the public for a sufficiently long time to elicit public opinion. There is no use in hurrying the Bill through the Council, which may do injury to the object which the Government intends to promote. But as the Hon'ble Member assured the Council that he would cause the Bill to be circulated for eliciting public opinion even after the Bill was referred to the Select Committee so that the opinion of the public would be available before the Bill was considered by the Committee, I however do not object to the Bill going to the Select Committee.

Maulvi TAMIZUDDIN KHAN: Sir, everyone knows that the present system of assessment of cesses is extremely unsatisfactory and that there have been insistent demands on the floor of this House for a revision of the present Cess Act. The Hon'ble Member in charge deserves to be congratulated on presenting a Bill which seeks to do away with the anomalies of the present Act and to meet the situation on the whole. I fully agree with the Hon'ble Member that the system of assessment now proposed to be introduced will be more equitable than the system in vogue. But the basis of assessment which has been fixed, *viz.*, one-fifth of the total gross produce, seems to me to be rather too high. The Hon'ble Member in charge has referred to a conference to which he invited members of various groups of this House to consider this complicated problem. I think that in that conference many members expressed the view that one-fifth of the gross produce would be too high a rate and that it would prove to be a great hardship on the tenants as well as the *zemindars*. Therefore, Sir, I think this matter deserves the serious consideration of the Hon'ble Member in charge.

It has been said that if this system is introduced, there would just remain the possibility of the cess being increased. I for myself do not

object to the cess being increased when there is a proper occasion for it. If under the system that is going to be introduced, there is any possibility of the tenants or the landlords being oppressed in any way, that is a thing which we should guard against by all possible means.

Sir, the Hon'ble Member in charge has said that the method sought to be introduced would be more equitable than the present one. I have already said that I agree with him, but the instances he has referred to are not to the point to my mind. He has said that under the present system under-*raiyats*—and especially those who pay produce rents—have to pay a far larger share than those who pay their rent in cash——

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, perhaps the member did not quite follow what I said. Under the provisions of the Bill the under-*raiyat* who pays in produce rent will not very often have to pay more, but the occupancy *raiyat* who pays in produce rent, when the cash rent is high.

Maulvi TAMIZUDDIN KHAN: Sir, there are two kinds of under-*raiyats*; some of them pay produce rent, while others pay money rent. Since the Hon'ble Member did not say what I understood him to say, I stand corrected.

But under the present system those under-*raiyats* who pay produce rent have not to pay any cess whatsoever. Therefore, the system that is sought to be introduced will be no boon to these under-*raiyats*. They have not to pay any cess under the present system, but under the system that is sought to be introduced it is quite possible that they may have to pay.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, may I point out that the member is under a misapprehension. What I said is that as the under-*raiyat's* landlord has to pay, the under-*raiyat* has never to pay. I never mentioned the case of the under-*raiyat* who pays produce rent. As between the two, I distinguished the occupancy *raiyat*, who collects produce rent, from the one who collects cash rent.

Maulvi TAMIZUDDIN KHAN: Sir, I regret very much that so many misapprehensions have arisen, and I, therefore, do not wish to pursue this any further. But I may say that the system that is sought to be introduced will be undesirable from another point of view. If the annual value is fixed at one-fifth of the gross produce, I am afraid that the cess payable by occupancy *raiyats* will be increased to a large extent. That is a thing which requires consideration of the House.

Of course, the method is equitable, and we want that some equitable method should be introduced. But as under the coming system everyone will have to pay upon the difference of his own rent and the valuation arrived at by the Collector, I am afraid that the share of the occupancy *raiyat* will be much larger than it is at present.

We all know, Sir, that there will be another cess which will be imposed upon the *raiyats* when the Primary Education Act comes into force. Therefore, if under the new system the cesses payable by the occupancy *raiyats* increase to a large extent, it will create a good deal of dissatisfaction in the country. If by one stroke of the pen the cesses payable by one class of tenants are liable to be increased to a large extent, it is a step which we should refrain from taking; and I think that the Hon'ble Member in charge will consider this aspect of the question.

Sir, it has also been said in the Statement of Objects and Reasons that this Act will not come into immediate operation—or, I should rather say, that the assessments which are in vogue at present in the different districts will continue unless and until a revaluation is made under the coming Act. Therefore, I think, this question is of a very complicated nature. And, as I find that many members of this House have not been able to realise the pros and cons of the new proposals, there will not perhaps be any harm if this Bill is circulated for the purpose of eliciting the opinion of the different sections of the people who will be affected by this measure.

Of course, if the circulation of the Bill will in any way jeopardise the chance of its being passed into law, I shall be the last person to press for that, because I feel that a change is really necessary and I fully agree as to the utility of the Bill which has been introduced. But if no harm is going to be done to the Bill by circulation, then I think this is a measure which should go to the public for their opinion.

Rai Bahadur KESHAB CHANDRA BANERJI: I rise to support the motion for circulation, but at the same time I must congratulate the Hon'ble Sir Provash Chunder Mitter on the labour and time he has devoted to the framing of this Bill. Sir, it has been stated in the Statement of Objects and Reasons that "the original Cess Act was framed at a time when there was no record of the areas of tenures and holdings and even the areas of estates were only approximately known. In such circumstances the framers of the Act took the rent paid by the cultivator as the annual valuation for the calculation of cess. The system results in various anomalies, the chief of which are that

valuation depends on accidental differences in the rates of rent, and on whether the land has been sub-let or not, and that the higher the rent happens to be, the higher is the cess."

It appears that the Bill proposes a change in the basic principle of assessment of cess which has so far been followed in accordance with the provisions of the Cess Act. The proposal to encourage punctual payment of cess by granting a rebate of 5 *per cent.* and the provision to afford facilities for collection of cess of rent-free lands are no doubt welcome innovations. But it has not been possible for us within the short time that the Bill has been before us carefully to examine the pros and cons of the whole question, as has been rightly pointed out by Maulvi Tamizuddin Khan and other speakers who preceded me. It would, therefore, be meet and proper that those who will really be affected by the new measure should be given an opportunity of expressing their opinion on this vital question. Sir, I am one of those who believe that any hardship on the part of the tenants would mean hardship upon the landlords also, as the interests of both are common and are inextricably bound up together. We have suffered so long and it won't matter much if we suffer for some time more. As the Hon'ble Member does not intend to rush the Bill through the present Session of the Council, I think the tenants' as well as the landlords' organisations in the province should be consulted so that their opinions may be placed before the Select Committee for consideration, as was done in the case of the Wakfs Bill. If that is done, the Select Committee will be able to frame their own recommendations in the light of public opinion which the amendment under discussion seeks to consult.

Then, Sir, there is another aspect of the question. The rates of rent in East Bengal are generally lower than what they are in this part of the province. The Bill, if passed into law, will revolutionise the system of cess assessment in Bengal, and it has got to be seen to what extent, if any, it will affect the *zemindars* and tenants in Eastern Bengal. That is why I am in favour of consulting public opinion. It is far from my intention to delay the consideration of the Bill.

With these words, I support the motion of Babu Kishori Mohan Chaudhuri.

Khan Bahadur Maulvi AZIZUL HAQUE: I think that in a motion like this, where the Hon'ble Member has moved that the Bill be referred to a Select Committee, and another member has moved for its circulation and in view of the fact that the question is a highly complicated one, we ought to exercise our vote with due caution and consideration. I am not against circulation by itself, but I want to draw the attention of those who are in favour of circulation as to whether or not it would be better if the question involved in this amendment were examined by a small Committee with a view to find out the effect of the present Cess Bill, so far as the incidence of taxation

is concerned, on the different grades of people. After all, the primary question that we are concerned with is the cess incidence as regards the different grades of landed interest, and if we do find, as a result of the examination, that this cess incidence will prejudicially affect one particular class as against another to such a large extent that it will involve great hardship on any particular class, then I think we should proceed very cautiously. I am not very sure—and I am frank enough to admit—whether the ordinary public has got an accurate notion as regards the effect of the present Cess Act even, and what will be the effect of the future Cess Act is also a question which is of a highly technical nature. I can frankly tell you that I have tried my best to read over the pages of the present Cess Act with a view to find out its actual effect, but I can say that like a complicated mathematical formula I could not remember how it dealt with a particular proposal better than by referring to illustrations: So difficult the subject is.

As regards the effect of the present Cess Bill, it is equally a question which should be examined by experts. I believe we have got a precedent in our favour in the procedure followed in connection with the Primary Education Bill. The Select Committee on that Bill went to the length of examining a number of revaluation officers with a view to finding out the actual effect and working upon revaluation so far as that Bill was concerned. I do not know whether it would be in consonance with established parliamentary practice and in conformity with the rules for the Select Committee to send for experts in the Revenue Department with a view actually to find out, district by district, the effect of the new cess which will be imposed in the different districts of Bengal. If that power is exercised by the Select Committee, it will be well if the matter now goes to the Select Committee and the question examined there, district by district, from that point of view, so that the Select Committee will report lucidly, explaining the effect of the present Cess Bill upon the various classes of landed interests. I will explain the reasons why I feel that the question should be examined district by district. I have before me certain figures from which I find that the present incidence of rent per acre of land actually cultivated varies widely from district to district. For instance, in the districts of Burdwan and Hooghly, it goes up so high as Rs. 15 and Rs. 11-2-6 per acre, respectively. Now the highest incidence is in the district of Howrah where the rent per acre of cultivated land is Rs. 19, as against those that I have mentioned. I am making a specific comparison like this, because I believe it is a well-known fact that the district of Howrah is not so fertile as the district of Mymensingh or Bakarganj. In the district of Mymensingh, the incidence of rent per acre of cultivated land is only about Rs. 5 (I mean in the average) and in Faridpur it is about Rs. 4. Now what I want to point out is that the Select Committee should very carefully

go into the question as to what will be the effect of this differential rental in the different districts on the basis of acreage rate. Whether in the district of Mymensingh the cess will be enhanced to a degree which would be tolerable, and whether or not the cess will be decreased in the district of Howrah—that problem should be examined, and I believe it would be very difficult to come to any conclusion on that point if that problem is not investigated by an expert body.

I will explain that even now the cess incidence varies very widely. Take again the district of Howrah. There the rent per acre of cultivated land is Re. 1-2-6, whereas in the district of Mymensingh it is only 4 annas 11 pies per acre, and in Dacca it is only 3 annas, and in Khulna it is 11 annas 10 pies. I now find that on this basis, in spite of the fact that some of the districts in Eastern Bengal are not so fertile and some in Eastern Bengal are very fertile, the present cess rate in Eastern Bengal is very low, and the cess rate in Western Bengal is very high. Of course, the historical reasons as to why the revenue incidence in Western Bengal is very high are well known, and I think it is also a well-known fact that the district of Burdwan pays Government revenue to an extent which is much larger than that of the whole of the Dacca Division. But I am not investigating that matter for the time being. I want to say that even at present the cess incidence varies widely from district to district in Bengal, and it seems to me that if there was an analysis of the whole situation, it would be found that generally Western Bengal districts which are not so fertile pay a higher rate than the Eastern Bengal districts which are very fertile. What will be the effect of the present Cess Bill when you are taking the acreage rate, is a matter which should be very carefully investigated, and while I do feel that there should be no hurry in the passing of this Bill, yet I am not at all impressed that the matter should go into circulation at this stage; it should go into circulation only after an expert body which may be constituted by the Select Committee has gone into this question very thoroughly, looked into the details and has reported, but not before that. At this stage I might draw the attention of you, Sir, and the members of the House that it is open to a Select Committee under the rules of the House to hear expert evidence and representatives of the special interests affected by the measure. That being so, it will be really in the interest of the people if this matter is investigated by the Select Committee. If, as a matter of fact, on investigation it transpires that it is in the interest of the people that this Bill should be passed without any loss of time, then it need not be circulated. While I fully agree that the matter should not be hurried through, I have an open mind, and I do feel that the only stage at which, to decide whether it should be circulated or not, is after the matter has been investigated into and reported upon by the Expert Committee I have proposed.

Mr. PRESIDENT: I may tell the Khan Bahadur that I have taken his words about the Select Committee taking evidence from an expert body to constitute what is more or less a suggestion from him. I did not take it as a definite proposal and so need not express any opinion on it.

Before I adjourn the Council for 15 minutes, I should like to tell the House that I have received His Excellency's orders with regard to the Council meetings for the next few days. For the convenience of the hon'ble members I may read them out:—

"In modification of the order already made, it is now ordered that no business shall be taken up on the 21st August. The motion for the amendment of the Standing Orders put down for the 21st may be taken up on the 22nd and the remaining time on that day and subsequent days in the same week shall be available for Non-official Bills as may be required. The 28th August and the remaining days of the Session shall be reserved for Government Bills subject to the provision, with the consent of the Local Government, of any time that may be necessary for the consideration of the amendment of the Standing Orders."

In view of the fact that the Council will not meet during the next few days, I have been requested by some members of the House not to hold the elections for the Standing Committees before the 22nd August. I think that is a very reasonable request, and I have much pleasure in informing the House that the elections will be held on the 22nd, the place and time being the same, that is, the place and time already notified.

(The Council was then adjourned for 15 minutes.)

(After adjournment.)

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir. This is in regard to the question as to how the matter will be dealt with in the Select Committee. There are two points to which I want to draw attention—one is that the question of determining a fair and uniform acreage rate shall be left to the Local Government to decide. Will it be open to the Select Committee to keep the acreage rate intact and to find out some other device by which the Local Government on the advice of that body may determine the acreage rate?

Mr. PRESIDENT: I do not quite follow you. However, I do not see any reason why the Select Committee cannot do it, provided it does not change the underlying principles of the Bill or it does not go beyond the scope of the Bill. What is your second point?

Khan Bahadur Maulvi AZIZUL HAQUE: Secondly, Sir, supposing the Committee gets the rate fixed on another basis, will it be open to it to do that?

Mr. PRESIDENT: Was the present basis sanctioned by Government? That is the point.

Khan Bahadur Maulvi AZIZUL HAQUE: I am not sure, Sir. My point is this—that a fair and uniform acreage rate will be the determining factor in the valuation proceedings that will come later. I want to know whether it will be open to the Select Committee to determine any other basis than acreage. I think it need not be the acreage rate.

Mr. PRESIDENT: If it does not conflict with the sanction that has been obtained from Government then I think it will be within the competence of the House to accept any new basis which may be recommended by the Committee, otherwise it cannot be effected until the necessary sanction has been accorded.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I explain, Sir? My friend the Khan Bahadur has put it in a hypothetical form. If he had put it in another form, I could have explained the position to him.

Mr. PRESIDENT: I think what I have said will serve his purpose.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I was somewhat taken aback by the attitude taken up by Khan Bahadur Azizul Haque who is certainly a very experienced parliamentary hand. He expects the Select Committee to investigate the question as to how the acreage rate proposed will affect the various classes of people, and he expects them to make a report which might be altogether contradictory to the provisions of the Bill. I submit that the Select Committee will have no such power unless definite instructions are given to them for the purpose. The motion for reference to Select Committee before the House contains no such instruction. Therefore, I take it that the Select Committee will be bound to accept the principle. It cannot alter the acreage rate under any circumstances, and it cannot return the Bill to this House with a report that they are unable to accept the provisions of the Bill. The functions of the Select Committee are very limited. Accepting the principle of the Bill, the Select Committee may make any modification in the details it pleases, but the principle of the Bill can be determined upon only by the House. That being so, the investigation into the incidence of this new basis of taxation has got to be made before the House assents to refer the measure to the Select Committee. With regard to that, the hon'ble mover of the Bill has gone into elaborate statistics and has very eloquently dilated upon the various anomalies and hardships involved in the present system of assessment. He has satisfied the House with statistics that numerous

people are groaning under inequities as a result of the present system. Unhappily, however, he has not provided the House with any statistics as to how the new basis will affect the people in any area whatsoever. It is possible that that matter has not been investigated by Government, or it is possible that the investigation carried out by Government has brought out unpleasant details which the Hon'ble Member would not like this House to share. So far as my own district of Mymensingh is concerned, I know that the effect of the new basis, if it is worked to the letter, will be a tremendous rise in the assessment. Apart from the fact that the value of the produce of lands in Mymensingh is much higher than those in several other parts of the province, the rate of cess upon an assessment of the value on the basis of one-fifth of the total value is bound to be at least three or four times as high as the cess which is being paid now. Well, that is inevitable, and there will be individual cases of far greater hardship. Khan Bahadur Azizul Haque has given us average rates of rent in Mymensingh. Well, the average rates are not the actual rates. The actual rates vary between one rupee and five rupees per *pakhi* or *bigha*. Well, it is not expected that these proposals in the Bill will seek to make any distinction between different classes of land within the same unit and if the Statement of Objects and Reasons is an indication as to the lines on which units are to be made, it is certain that within a fairly homogeneous area there will be no distinction made. The *rarh* area of Murshidabad or the *barind* area in Bogra referred to in the Bill hold large areas with entirely different conditions prevailing there, but within the same village, at any rate, there will be no variations of rate. The unit would include several villages at least. Now, within each of the villages of Mymensingh you will find variations in rent, variations in qualities of land, variations in value of produce which are very great. The produce from low-lying *boro* lands would not be valued at the same rate as the produce of a piece of land producing two crops. But if it falls within the unit, the acreage rate, as I read it, will be the same. Therefore, in such cases where the differences are not such as can be taken into account under this Bill for the purpose of making separate assessment, the assessment will go up—I do not know how many times, certainly more than five or six times. No doubt there are the saving provisions. Under sub-section (*2*) of section 107D, the Collector will take into account some matters. I do not see that these provisions are very perspicuous— for instance, "the total estimated value of all agricultural produce of the district for the preceding three years." I do not understand what that is. These are matters to be taken into consideration. Then in sub-section (*3*) it is laid down that in determining the rate the Collector shall take amongst others the following matter into consideration—the amount of the existing demand. That is one of the matters that the Collector will take into consideration, but no principle is laid down to guide the Collector as to the lines

on which he will consider, how far the consideration of the amount of the existing demand will affect his judgment with regard to the fixing of the rate. Government is anxious that the whole thing should be left to the discretion of the Collector. Therefore, with one Collector, the rate may be fixed at one-tenth, and with another at one-fifth. There is nothing to prevent them from doing so. These are the facts so far as my district is concerned. I think the matter has got to be investigated very thoroughly before the Council commits itself to the principle of the Bill by accepting the acreage rate. Before we do so, we must have a clear conception of the incidence of the rate in order to determine whether the acreage rate or anything else should be accepted. We must also consider other bases upon which a uniform rate may be arrived at without any anomaly. In this Council we have complained more than once of the inequities of the present Cess Act, but that is no reason why we should accept anything that is given in its stead. We have got to be assured that what is given in its stead is something which is more equitable. The Hon'ble Member has dilated upon the inequities of the present system, but the inequities will be there even under the basis proposed. Those matters will have to be investigated. Khan Bahadur Azizul Haque supports a reference to the Select Committee, but he visualises the possibility of the Select Committee, after investigation, of giving up the acreage rate; but that is a thing which I am afraid is not possible. I submit that for this reason the matter ought to be circulated and opinions elicited and the matter considered by an Expert Committee before the measure again comes up before the Council and is finally passed. This procedure is not without a precedent. The Bengal Tenancy Act was treated in this way before it was finally passed.

There is another reason why I should like the matter to be circulated and rediscussed. The Hon'ble Member has spoken very depreciatingly of the existing Cess Act. As it stands, it is an archaic Act. There are many provisions in it which will certainly defeat any attempt of a layman to gather their meaning from the language used, and when it comes to lawyers they will break their heads against one another in attempting to find out the interpretation. It contains provisions which are wholly out of date and there are numerous such provisions. The Hon'ble Member and the members of the conferences have only picked up those matters which have created a great amount of outcry. They have not thought it fit to consider the other provisions of the Act, but there are numerous provisions in the Act which not only require recasting but also elimination. At random I may pick up the sections with regard to the service of notices, the beating of drum and other things. Many of them have become archaic, many of them might be usefully replaced by other ways of achieving the same object; anyway, the drafting of these sections might be considerably improved. Take again section 99. What is the use of section 99 at the present day? I do

not think that it has been used at all ever since the Cess Act was passed. Under it the Collector may cause, when it is not possible to proceed against any property under the Public Demands Recovery Act, a notification to be issued, sequestering the rents in effect. I do not know that that has been done very often. Why should it then remain and where is the necessity of the thing? That section comes into operation only when no property of the assessee can be found from which the cess can be realised, but there is that same property from which you are going to collect the rent under section 99, and under the Public Demands Recovery Act you can sell the tenure. Anyway, the contingencies where the section comes into operation are very remote. There are numerous sections of the like character, for instance, there are a number of sections which are simply reproduced from Act XI of 1859. They could be dealt with in a much more handy fashion. What I suggest is that the whole Bill should be recast and reconsidered by an Expert Committee to be appointed by Government, and in the meantime public opinion should be invited by circulation. Without that it is no use hurrying with a piece of legislation like this. If the Government does not want to hurry, why not investigate. The Hon'ble Member's answer to the motion for circulation is, I anticipate, that there were a number of conferences called. In the first place, the conferences were called not to discuss the Bill, but the proposals. The shape which the proposals have taken in the Bill has not been considered. After all a conference is no substitute for a plebiscite. A general invitation of opinion from the public is a very different thing from a conference of persons who have been invited according to the choice of certain authorities. It may be that exactly those persons who would be able to throw a considerable light on the matter were ignored, not because the Government wanted to shut out those persons, but because Government had no knowledge of those persons. Therefore, the conference is no answer to the demand for circulation. A measure of taxation which might involve the people in a very heavy increase in their burden should not be passed without eliciting their opinion, especially when there is no hurry about it. With these words I support the motion for circulation.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: My hon'ble friend has brought in a new measure in place of the existing one which he says is objectionable from various points of view. As far as I understand from the proceedings of this House, the first point that was urged against the old measure was in respect of rent-free tenures. It has been often discussed in this House that these rent-free tenures are really independent tenures and the collection of cesses from them should be undertaken directly by Government. The second point raised was in respect of the inequity in the amount of cess payable by an occupancy *raiyat* who actually tills the soil and an occupancy *raiyat*

who lets out his land to others. This objection has generally come from those who are in the habit of purchasing occupancy holdings from the poor agricultural tenants, and not being themselves agriculturists let them out to others. I have absolutely no sympathy with this class of people. If they want to purchase the poor cultivators' land and if for that they have to pay some additional tax for the good of the country, the House and all right thinking people ought not to object to this measure at all. They have no right to purchase the poor cultivators' land and then to let it out to others. If anybody would care to know what is happening in other parts of the country and in other parts of the world, he would have to admit that agricultural tenants are protected by every Government whether civilised or semi-civilised. Here in Bengal a new situation has been created by allowing agricultural holdings to pass out of the hands of the agriculturists into those of the middle class people. I have no sympathy with that sort of transfer, and I think Government would be quite justified in making those people pay who deprive the poor agriculturists by purchasing their land, instead of giving them relief by taking away that large amount of money from the agricultural tenant.

Sir, if you analyse the new adjustment—my hon'ble friend, the mover, has used the word "adjustment"—you will find that so far as the *zemindars* are concerned they have not been touched. They will have to pay only as much as they are paying. (A VOICE: No.) They will have to pay not a pice more; over and above this they have been given an additional bait in the shape of 5 *per cent.* rebate for supporting this measure. But, Sir, might I inquire wherefrom this 5 *per cent.* is to come? It will come out of the pockets of the poor agricultural tenants who will be robbed anew.

Then, there is another point; this, too, has been given to my *zemindar* friends. This bait takes the form of a distinction between cess-paying lands and cess-free lands. This new distinction is of such a grossly unjust character that probably no one—not to speak of myself—has ever heard of it.

Sir, I might remind the House the cess-free land includes forest land. I do not understand how forest land can be excluded from the category of cultivable lands. As far as I know, Sir, a forest is more paying to the *zemindar* than ordinary land which he practically lets out to others. Forests have been reserved by some *zemindars*. (A VOICE: Are there not roads through these forests?) Yes, there are roads through these forests, but I submit that these roads have been constructed more for the benefit of the *zemindars* than of the tenants, because the former get through communications. That being the position, Sir, I do not understand how this idea of excluding forest lands from the operations of the proposed Act entered the mind of my hon'ble friend. This is a matter which I cannot support.

So far as this tax is concerned, it will not go to swell the provincial revenues; it concerns the districts only. Whatever money is received in a district is spent in that district for its good. Suppose, you exclude from the operation of this Act a portion of an estate containing forest, then a portion of the cess that ought to be collected from that area will have to be collected from other populated areas. I want to ask my hon'ble friend whether it would be right for him—or for that matter anybody else—to rob Peter to pay Paul. So, I strongly object to the exclusion of forests from the purview of this Bill for purposes of assessment. I submit that forest should also be assessed in the same way and to the same extent as other land. It seems that my friend is probably labouring under some apprehension. He probably believes that forests are conserved not for the purpose of revenue or profit but for certain other purposes—say, for the purpose of preserving game, etc. If this is the idea that is at the back of his mind, then I would invite him to come to my district, *viz.*, Jalpaiguri, and to find out for himself how valuable forests are——

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, might I ask the Nawab Sahib what amount of cess derived from forests is paid to the Jalpaiguri District Board?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, there are two kinds of forests in the district of Jalpaiguri.

Mr. NARENDRA KUMAR BASU: One containing rhinocerii and the other without them. (Laughter.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes, these forests contain rhinocerii. (A VOICE: The hon'ble member in charge of rhinocerii is not present.) (Laughter.)

Mr. PRESIDENT: Nawab Sahib, I should be extremely glad if you could come out of the forests as soon as possible.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, as I was saying, there are two classes of forests in the Jalpaiguri district—one belonging to Government and the other to private individuals. So much about forests.

Then comes the question of adjustment amongst different classes of people. My hon'ble friend, I find, has every sympathy for those who have actually snatched away—I use the expression with deliberation—other people's property by hook or by crook, by fair means or foul, and let out to tenants——

The Hon'ble Sir PROVASH CHUNDER MITTER: I hope the hon'ble member will not misquote me. I have never said any such thing or by implication shown any sympathy to anyone.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I am the last person to suggest that any relief should be given to this class of people—these land-grabbers.

Next comes the question of the under-*raiyats*, who, I submit, are at a disadvantage, but as far as I know the position of under-*raiyats*—and my experience in this matter is pretty well—he does not pay more than 4 annas per rupee to the occupancy *raiyat*; so if the rent of the occupancy *raiyat* is 12 annas per *bigha*, the under-*raiyat* has to pay just 3 annas more for the occupation of the land. That has been the law of the land, and I venture to add that it has been the law even before my hon'ble friend came into the whirlpool of politics. I think that even now it still holds good in many parts of the country. The under-*raiyats* should never pay more than the statutory amount that they ought to under the old Bengal Tenancy Act. So, if you say that by these readjustments you would be giving some relief to the under-*raiyats*, I doubt very much if they will get any relief whatsoever. They do not constitute that class of people upon whom sympathies are showered from all sides; on the contrary, they belong to that class of people who deserve sympathy and can legitimately claim it. But the relief to under-*raiyats* about which I have been speaking will come at whose expense? From whose pockets will come this much needed relief?

Then, to turn to others. So far as the non-agricultural occupancy *raiyats* are concerned, I have already told you that I have no sympathy with them——

(At this stage the speaker reached his time-limit.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I am sorry, Sir, that I have reached the time-limit, but I request you to be generous and grant me a few more minutes to finish my speech which is nearing its end.

Mr. PRESIDENT: Well, Nawab Sahib, I give you some extra time to finish your speech.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: That being so, I would suggest to my hon'ble friends to reconsider the position.

Sir, the most obnoxious point in this Bill is that which relates to the one-fifth portion of the total value of the crop. So far as that point is concerned, I know that my hon'ble friend in this House was

asked for a statement on the subject in this House. That is a public property now and, therefore, I can refer to it with the permission of the Hon'ble the President. It is this: The Hon'ble Member in charge of the Bill told this House that the total value of crops from agricultural lands is Rs. 275 crores. Taking 250 for the purpose of calculation, one-fifth of the total value will be Rs. 50 crores and one-sixteenth of the same comes to Rs. 3 crores and some odd, what is about four times the present assessment of Rs. 80 lakhs. (THE HON'BLE SIR PROVASH CHUNDER MITTER: Sir, whatever I said, I said on the floor of this House. Let my friend refer to it.)

Sir, is it fair to increase the taxation in this case four-fold—and for whom? Surely, it is for the District Board. The money will not be debited to the provincial exchequer. I would not have minded this extra taxation at all, if the proceeds went to the provincial exchequer, inasmuch as the funds of the province are depleted and at a low ebb. But, as I have pointed out before, it is merely what I may call a "district affair," or, in other words, it is the District Boards who will benefit from it, who are not sadly in need of funds.

The case is further aggravated by the additional taxation which will be imposed on poor men for the purpose of implementing the Primary Education Act; the cess under that Act is expected to bring in about Rs. 1½ crores.

Then, Sir, comes the Wakf Bill; it will take away a goodly sum from the pockets of the cultivators. (A VOICE: No.) I cannot understand why should we be so very unkind as to enact a law which will, on the top of other taxes and cesses, impose a heavy burden on the poor cultivators. I say this is a matter which will affect the future position of all sorts of cultivators, and if my friend would agree to circulation, he would be doing the best thing possible, for there will be no harm done in accepting the motion. On the contrary, the country would be able to understand the position better.

If my landlord friends are rejoicing that they are going to get a rebate of 5 *per cent.* for punctual payment of the cess, I may say to my friends on my right that they will have to collect four times the money that they are now collecting. If four times is added to it, will it not go against them in the long run? Will their property not be sold at public auction for failure to realise the additional taxation? So, to them I say that they ought not to go about with a light heart, believing that they have got everything that they wanted. I therefore appeal to everybody to consider this measure very seriously and find out whether this will be acceptable to the people at large.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Previous speakers and, particularly my esteemed friend the Nawab Sahib, seem to have very hazy ideas about the principles and provisions of the Bill,

and it is with a very good deal of diffidence, therefore, that I rise to make an attempt to explain the salient points of the Bill. It seems that there is an idea that the principles of assessment which are contained in the Bill are inequitable, that the assessment will increase the cess, that it will tell heavily on *raiyats*, and that it will lighten the burden of the *zemindars*. This is entirely wrong. What the Bill really purports to do is to remove the anomalies which exist at the present moment and make the assessments, as far as possible, fair and equitable. I do not say for a moment that there is no defect in the proposed system of assessment. The manner in which the cess will be assessed according to this Bill will also be more or less arbitrary, but it will certainly be less anomalous and more equitable than the system which is at present in vogue. The acreage rate has, perhaps, not been understood by my friend the Nawab Sahib and some of the previous speakers. If you read section 107D, you will find that what is intended is that roughly the annual value of the produce of a particular acre of land will be ascertained by taking into consideration various things, *viz.*, the value of the produce, the rent prevalent in that particular area, the requirements of the various districts, the general productivity of the agricultural land, and so forth. This means that when cess is assessed, it will be assessed on the real profit of everybody in the chain, from the *zemindar* down to the under-*raiyat*. What happens at the present moment is that the man who pays the highest amount of rent also pays the highest amount of cess, or, in other words, the man who pays the highest amount of rent gets the least amount of profit and pays the highest amount of cess; that on the face of it is inequitable and anomalous. What the Bill provides is that the actual income from a particular piece of land will be fixed after deducting the rent from the income, and the cess will be assessed on the balance. This principle is very simple and equitable.

Of course, as my friend Mr. Tamizuddin Khan says, one-fifth of the gross value may be considered by some people to be very high, but at the same time it must be remembered that this one-fifth is not the standard, but the maximum. It is not a fact that in every case the Collector is bound to go up to one-fifth. What is really provided for in the Bill is that the Collector cannot exceed one-fifth of the value of the gross produce. It is quite possible that in some districts in Eastern Bengal where the value of the produce from the land is very high and the rent paid is not high, the acreage rate will be much less than one-fifth; on the other hand, in the districts of Western Bengal, say Nadia, where the value of the gross produce of the land is small, to make up for the cess, the Collector may have to go up to the maximum of one-fifth. Whatever it may be, the objection that one-fifth is rather high is just in theory, but I think in practice the Collector will certainly try to make it as fair as possible, and if he does not

do so, then there are the provisions in section 107F under which all these details will have to be published, and objections will be heard and disposed of. As has been remarked by the Hon'ble Member himself, the people who will be assessed to cess under the new Act will be in a much better position than they are at present. Because at present they do not really know what their cess will be until they get notice of the valuation from the Cess Valuation Officer. On the other hand, under the new Act, as soon as the Collector finds out the *pargana* or local area acreage rate, that rate will be published and notified and everybody interested in the land will have an opportunity of objecting, and the Collector will have to hear that objection. That itself is a great advantage.

Dr. Naresh Chandra Sen Gupta has said that in proportion to the rent the acreage rate will vary. He seems to think that the lower the rent, the higher will be the acreage rate and also the cess.

Dr. NARESH CHANDRA SEN GUPTA: I said nothing of the sort.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Well, if that is not so, I think it is not necessary for me to go into that.

Dr. NARESH CHANDRA SEN GUPTA: What I said was that the acreage rate would be fixed for the unit, and the burden of it would fall most heavily on those who hold bad land at a low rate.

Khan Bahadur MUHAMMAD ABDUL MOMIN: That is exactly what I was going to say. The effect will not be as Dr. Sen Gupta says. Dr. Sen Gupta says that if the land is bad, the rent is low, and then the acreage rate of rent of that land will also be low. In deciding the acreage rate of the unit, the quality of the land will also be taken into consideration. For instance, in section 107D (2) "the general productivity of agricultural lands in the area for which the rate is being determined," is mentioned. Therefore, the acreage rate for Bankura, where land is poor, will certainly be much lower than the acreage rate of rent in Mymensingh. What Dr. Sen Gupta really apprehends is that in Mymensingh the cess of the *zemindars* will be increased more than what it is at present. But if the cess is increased there, it will be not because the land is poor, but because the landlords derive much greater benefit from their *zemindaris* on account of the very small rate of Government revenue they have to pay. That I think is a perfectly fair and just proposition.

Dr. NARESH CHANDRA SEN GUPTA: But what about the cultivators?

Khan Bahadur MUHAMMAD ABDUL MOMIN: The cultivators will be in the same position. The Nawab Sahib has said that the poor under-*raiyat* who pays only 4 annas more than the *raiyat* will be paying more than the *raiyat* himself. Let me ask him that under the present system, supposing a *raiyat's* rent is Rs. 3 and if he has sub-let the entire holding to an under-*raiyat* for Rs. 4, what happens? The under-*raiyat* pays 2 annas cess, although the rent is Rs. 4. He pays 2 annas to his immediate superior landlord and the immediate superior collects these 2 annas and adds another 6 pies from his own pocket and pays altogether 2 annas and 6 pies. But under the present Bill an under-*raiyat*, supposing his acreage rate of rent is Rs. 5, pays cess on Rs. 5 *minus* Rs. 4, that is on Re. 1 only. He pays 6 pies only instead of 2 annas on his profit of one rupee. Which is, therefore, more equitable, the present Act or the Bill which has now been introduced? I am afraid, Sir, it is very difficult to explain these things properly, without a blackboard and a chalk; it is very difficult to explain such a technical matter as this, particularly to people who have got very hazy ideas about them.

The Nawab Sahib has taken very serious objection to the fact that forests will be excluded from cess. But if he reads the appropriate section (107C) very carefully, he will find that all lands which consist of forests, uncultured and unproductive land, are exempted; they are exempted only as long as they continue unproductive. That is how I read the section, but if that is not the meaning of the section, the Select Committee can very well amend it. If the forest is productive, then of course there will be a profit and a cess on it, but if not, you cannot assess it even though it belongs to a *zemindar*.

As regards the 5 *per cent.* rebate which is promised under the Bill, I think that is only fair and the *zemindars* ought to welcome this provision. At present they have to collect all the cess from their under-*raiyats*, but do not get any remuneration. They are going to be given this to encourage them to recover the rents from their under-*raiyats*. This is probably in response to the proposals brought forward by many members on the other side of the House recommending that Government should make arrangements for realisation of the cess independently of the *zemindars*. Now, Sir, the real question is whether it is necessary to circulate this Bill or whether it should go to the Select Committee as has been suggested. My humble opinion is this: that a Bill of this nature, if circulated in the usual way, will hardly elicit any real opinion which will be of any use to anyone. The only help you can get is from the experts, and all the experts you have got in the province are on the Select Committee. (MR. NARENDRA KUMAR BASU: What about the ex-expert of Government?) The ex-expert is already on the Committee. I am grateful for the suggestion. I do not think any useful purpose will be served by sending this

Bill for circulation, because if you do so, you will have to send one of your experts on that bench (Treasury Bench) along with this Bill to every place where you send your Bill for opinion together with a blackboard: otherwise, it will be impossible to get any real opinion. I, therefore, suggest that this should go to a Select Committee as has been moved by the Hon'ble Member, and as he is not in a hurry and as the Select Committee is not going to sit this month or next, perhaps it might be as well if opinions are called for from various bodies and those opinions considered by the Select Committee as also by the House. That will be of great assistance to everybody, and there will be no complaint. Meanwhile, if there is any doubt in the mind of members on that side the Government experts, I am sure, will place their services at their disposal and explain to them any doubtful points.

Mr. P. BANERJI: Sir, when I was listening to the Hon'ble Member, I thought that he was holding an auction sale at some big auction mart in Calcutta and, subsequently, when I was listening to the different speakers of this House on my right, I got the impression that it was a reduction sale of some big firm of Calcutta and that I was in some part of Northern Calcutta, say Chitpore. In these sales, it is often advertised that 50 *per cent.* reduction will be allowed. In this Bill there is provision for a 50 *per cent.* reduction, that is from 1 anna, which is the cess rate to-day, it is proposed to be reduced by 50 *per cent.*, that is to 2 pice. What will this come to? It will be calculated on the basis of acreage, and it will be based on production. As Nawab Musharruf Hosain has said, the cess will be increased by at least 4 times. I say that in some cases the increase will be even more. Nowhere has the Hon'ble Member said that it will be reduced in proportion, as Khan Bahadur Abdul Momin anticipates. I can tell him also that the object of this Bill is not in any way to bring the cess at equal level or to give relief to anybody. The object is to increase the cess. (Question.) The gentleman who questions is, perhaps, not aware that in his own district, Khulna, the cess before revaluation was Rs. 2,75,000, and the cess to-day is about Rs. 7 lakhs. Still that gentleman coming from that district has a poor knowledge of the state of affairs about the cess collection of his own district. He, perhaps, thinks that it will not be raised; I say he is being decoyed as is done in the *kheddas*. That is the reason why he questions my statement.

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir. Perhaps you did not hear what the speaker just said. He said that Maulvi Abul Quasem was being decoyed as in a *khedda*. As a point of decorum, I should like to bring this to your notice.

Mr. PRESIDENT: Mr. Banerji, did you use the words "decoyed as in a *khedda*"? If you did, you should withdraw them.

Mr. P. BANERJI: If you insist on my withdrawing them, I do so. Now, Sir, the position is that the cess will be calculated on the basis of the income from the land. (A VOICE: Not income, but profit.) It is the same thing. What is profit? There are no data given as to the basis of calculation. Now, Sir, it will not, as suggested by some members, go to the Government exchequer. The money will go to the District Boards. The Hon'ble Member has nowhere said what opinions the District Boards have given. It is in the fitness of things that the District Boards should first be consulted. As there have been many disputes among lawyers, I do not care very much about the opinions of Bar Libraries, but so far as District Boards are concerned, these are the primary institutions which should be consulted first and they are the bodies which are vitally interested. So I think it is right that this Bill should not be referred to a Select Committee, but should be circulated for eliciting public opinion thereon, particularly to the District Boards.

Maulvi ABUL QUASEM: My friend Mr. P. Banerji comes from the same district from which I come, but I do not concede that he has the interests of the district more at heart than I have. Sir, I tabled a motion for the circulation of the Bill. Since then I have had the privilege of a talk with the Hon'ble Member in charge and also with the admirable expert who is assisting him, and I have come to the conclusion that it is not the intention of Government to rush this Bill through. My only anxiety was when I tabled my motion that adequate opportunity and time should be given to the public and all classes concerned to give their opinion. Since that opportunity is going to be allowed, I have no objection to the reference of the Bill to the Select Committee and the public bodies and all interests concerned will be allowed to tender their opinion before the Committee which will closely consider all those opinions, and I understand that those opinions will also be made available to the members of this House. Sir, during the last Session I had tabled a "cut" motion in order to protest against the delay in bringing in an amending Bill which Government had promised long ago. I now welcome this Bill and thank Government for having at long last awakened to the situation. My district has suffered the most under the existing law, and my district has cried itself hoarse for some relief. As regards the new proposals, I find on the floor of this House, Sir, that the experts differ and when experts differ, we ordinary people should not at this stage venture to express any definite opinion. Sir, I do not commit myself to the provisions of the new Bill. I am only in favour of the reference of the Bill to the Select Committee for the reason that it will be an expert body and will be able to give the

closest attention to the provisions of the Bill as well as to the opinions that will be offered on the provisions. If it is found that public opinion is against it, and if it is demonstrated that the Bill will not be an improvement on the existing law, it will be open to the House to reject it. The House, as it seems to me, will not commit itself to the provisions of the Bill by agreeing to send it to the Select Committee.

With these words, Sir, I support the motion for referring the Bill to the Select Committee and oppose the amendment for the circulation of the Bill.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, one of the motions that we are discussing is the motion about circulation for the purpose of eliciting public opinion. The other motion that we are discussing is my motion for reference of the Bill to Select Committee. I find, Sir, that there were originally three movers of the motion for circulation and one of them was Maulvi Abul Quasem who has just spoken and who, I understand, does not intend to press his motion.

Mr. PRESIDENT: The other motions are not before the House. We are discussing motion No. 35C of Babu Kishori Mohan Chaudhuri.

The Hon'ble Sir PROVASH CHUNDER MITTER: I was referring to the original motions, but as you are holding one discussion, I am taking them together—35A, 35B and 35C.

Mr. PRESIDENT: We are concerned only with 35C. The other motions are deemed to have been withdrawn, because I selected this particular motion.

The Hon'ble Sir PROVASH CHUNDER MITTER: So much the better, Sir. About 35C, Babu Kishori Mohan Chaudhuri's motion, it mentions 30th September, 1933, as the date before which public opinion should be elicited. I said in my opening observations something which practically no member commented upon. Perhaps they found it rather inconvenience to do so. One or two may have just referred to it. May I remind the House that we have already asked for public opinion? If this recommendation for circulation is passed to-day, what will it amount to? It will amount to this: Even if we ask for public opinion with the least possible delay, we cannot do that before 20th, 21st or 22nd August; but we have already asked for public opinion, and I have already said in my opening observations that when the opinions are received, they will certainly be placed before the Select Committee and I have further said in my opening observations that not only will they be placed before the Select Committee, but that they will also be placed before the House. Therefore, we have, if I may say so, anticipated the

object of Babu Kishori Mohan Chaudhuri's motion. So unless the object is not to refer the Bill to a Select Committee—and I can understand that—there is no substance in the arguments about the motion for circulation, because we have done something more than the motion itself suggests.

Then, Sir, if it will help in clearing the atmosphere, I may say that we have no intention of rushing this Bill through the Select Committee and, therefore, we have not fixed any date; we have said "as soon as possible" in our motion. What we propose to do is to call a preliminary meeting of the Select Committee, if so advised, so that if any member has any suggestion to make about the future procedure—and I shall presently refer to the suggestion made by the Khan Bahadur over there—or if any member has any suggestion to make about getting further materials, we may be ready with them. Having called a preliminary meeting, if so advised, as early as it may be convenient, and subject to the work before this House, we do not want to hold any meeting in a hurry, because we expect the opinions to come in and when those opinions come, we shall circulate them to the members of the Select Committee. The second meeting, I hope, we shall hold after the opinions have come. Now that ought to dispose of the motions for circulation, but there are other subjects which, if I may say so, would be really relevant if I were asking the Council to pass the Bill to-day or even in this Session. I may explain that only those points are relevant to-day which arise only on discussions of questions of principle. Take, for instance, one point which apparently seems to worry many. Why set down the maximum at one-fifth? If you fix the maximum at one-fifth it is apprehended that there will be the inevitable tendency that the Collector will value at one-fifth. See the implications of it. You are referring to the Select Committee; the Select Committee will be within its rights to reduce it to one-eighth or one-sixteenth, or to raise it to, say, one-fourth. If the Select Committee reduces it so much, we may later on say that that will not enable the District Boards to carry on. It will, however, be within the competence of the Select Committee to reduce. Therefore, because it is one-fifth, why worry? About the history of the one-fifth, I may tell you that some members of the *Proja* Party objected to it, but others agreed to it. One-fifth is the opinion of the majority of the Conference. Furthermore, from figures that we have collected about the value of the produce, we thought one-fifth would be fair. But that is not the only factor, there are other factors. Therefore, you are not committed to one-fifth as something irrevocable if you care to refer the Bill to a Select Committee. That is the point I want to impress upon the hon'ble members. Now, whether it should be one-fifth or less or more will undoubtedly depend on facts placed before the Select Committee, and later on if need be before the House. Take a district like Bankura or Murshidabad where the productivity is fairly low and where the value of crops grown per acre is also fairly low in

normal times. We have to fix a figure which will prove suitable for poor districts like these. I do not think there should be much apprehension that the Select Committee would propose to reduce the revenue of any particular District Board without examining the materials fully. On the other hand, take a prosperous district like Mymensingh or Noakhali where the value of crops is much higher than the value of the crops in Bankura or Murshidabad. If you find that the maximum one-fifth is fixed, then it means that in the opinion of the Select Committee one-fifth would be suitable for the whole of the province. We must not forget that we are not assessing here on the floor of this House for any particular district: we are legislating on the floor of this House for a provision which ought to be suitable for every district in Bengal. Supposing in Mymensingh you find one-fifth will yield too much, there is the automatic check because the rent there is fairly low. My friend Dr. Naresh Chandra Sen Gupta has criticised that it will leave arbitrary powers in the hands of the Collector. Every law gives some power to the Collector, but they are not arbitrary powers, as his hands are tied by the provisions of the law. The Collector will have to act according to law and not arbitrarily. In this case there is the further limitation, namely, the present incidence of cess. I may tell my friend that at the present moment the total cess demand of Mymensingh is something like Rs. 7 lakhs which is almost equal to its total land revenue and if that district were to be reassessed under the present Act, then we should not be surprised if the cess demand were fixed at Rs. 17, 18 or 20 lakhs. Look at what has happened in a number of other districts, for instance, Khulna, about which I have given you figures.

Dr. NARESH CHANDRA SEN GUPTA: But Mymensingh has got very little to do with subinfeudation.

The Hon'ble Sir PROVASH CHUNDER MITTER: Of course, I speak subject to correction, but I may say that I tried my best to study this problem to the best of my ability. I have been assisted in this matter by a number of officials as also by the non-officials of the Conference and the officials worked very hard, and I owe my thanks to them, and I believe that with the training of a lawyer I have gathered a fair amount of information on this matter and have tried to present the same before the House in a convenient form. I may say that if Dr. Naresh Chandra Sen Gupta is running away with the idea that subinfeudation is the only factor responsible for heavy increase, he is very wrong. It is one of several factors. You have seen from the figures I have placed before you this morning to what extent cess is likely to increase in a reassessment under the existing Act. Therefore, don't think that any district—I have referred to Mymensingh because my friend Dr. Sen Gupta comes from there—which may be assessed under the present Act will escape without considerable increase in cess. After

all that vague fear of increase of cess under the Bill is an irrelevant fear. Heavy increase may result and, in fact, it did result under the present Act. It cannot increase under the proposed Act as inequitably as it did under the existing Act. We are working in the dark under the present Act. We have already investigated to the extent of our opportunities. I told this House—perhaps my friend Dr. Sen Gupta was not in the House at that time—that we held five Conferences and have thus obtained representative public opinion. The first Conference started nearly a year ago and we held five Conferences from time to time and did not rush through these Conferences because the materials wanted had got to be collected. You want us to investigate. Now what is the meaning of investigation? You want to get materials and facts. These materials and facts have been already collected to a considerable extent and at least a good part of them can be further collected from the records-of-rights. We had a good many of these record-of-rights examined and analysed and placed the result of the analysis before the members of the Conference. We are collecting and analysing the late records-of-rights as well. We shall also have to place before the Select Committee, if they want them, materials already collected and those we are now collecting. Further, when the Bill comes before the House we shall also have to place all relevant and important materials before the members in order to convince them. If you want to delay matters, then don't blame Government afterwards. Government had been blamed for undue delay in this matter. I told the House yesterday that the delay in bringing forward this Bill was due not only to the difficulty of the problem but also to the fact that we were investigating, and this printed book (a book was shown) contains the results of one of the earlier investigations which was undertaken more than two and a half years ago. Practically the whole of the last 12 months we spent on investigation and inquiry. The Select Committee will not, I hope, find it necessary to get fresh materials. If the members of the Select Committee are satisfied, on examination of facts and materials placed before them, that the information is enough to enable them to come to decisions or if they accept the important provisions of the Bill, then work before the Committee will be simplified; if not, it will no doubt make its own suggestions, but in any case the Bill will come before the House again.

We have asked for public opinion. We all know that public opinion concentrates and expresses itself when people realise that something is going to be done or that some action is imminent; incidentally, I may observe that public opinion has been crystalising and hardening against the present Act during the last 2 or 3 years. That means that public opinion demands a change. Now that we have asked for the opinion of some of the associations and public bodies, we may expect their opinion at an early date if you do not delay the passing of the Bill indefinitely. If they realise that you intend to delay the passing of this measure, then the letters sent to them will not be seriously considered at an

early date. I have been a member of several public bodies and associations, and I know what happens when early decision is not considered necessary. I believe Babu Kishori Mohan Chaudhuri is a member of the Rajshahi Association. I think we have consulted that Association. I think he will agree with me on the point I just mentioned. We have also consulted a number of Landholders' Associations. I gave special direction that important Landholders' Associations and important *Anjumans* should be consulted. If any important Association has not been already consulted, they too will be consulted. That ought to satisfy this part of the difficulty, if it at all exists.

As regards the point raised by Khan Bahadur Azizul Haque, it is difficult for me to give a definite and specific answer. It depends on the opinion of my hon'ble colleagues in the Government. It also depends on what points we want to examine witnesses. There is another point. It will be very wrong on my part if I as Chairman of the Select Committee give an assurance in advance without consulting the Select Committee. You, Sir, I believe, have under certain conditions some say in the matter. Subject to your ruling and subject to the opinion of my hon'ble colleagues in the Government, I can say this that I personally certainly do not see any objection to getting all available assistance; but perhaps I may be pardoned for pointing out that a number of experts, both official and non-official, are already on the Select Committee, and I do not quite understand how far we shall be advancing matters by mere examination of some so-called expert winesses.

About obtaining District Board opinion, I have already said that very likely arrangements have been made for getting such opinion; if that has not been done, I may assure the House that it will certainly be done. That I am not rushing this Bill will be apparent from the fact that we started investigations more than two years ago. We have been holding a number of meetings of the Conference. So far as I remember, we have held 5 meetings.

Then, I will just touch one or two points regarding the reference of the Bill to a Select Committee. My friend Babu Kishori Mohan Chaudhuri has expressed his fear about the increase of cess. I have already incidentally dealt with that fear, and I may tell him that it is based on a needless apprehension. He and Mr. Sarat Kumar Roy trotted out the argument about the permanent settlement. We are very familiar with that subject, and I need not go into it at this late hour of the day in the year 1933 But I suppose that Mr. Roy raised this point to lodge another formal protest on behalf of the *zemindars*, and I can well appreciate his object.

Babu Kishori Mohan Chaudhuri as also some other members referred to the economic depression. Economic depression or no economic depression, the cesses have to be assessed on a certain basis and they

have to be collected to enable District Boards to go on. Under the proposed Bill a three years' average amongst other things will be taken into consideration. Therefore, in times of economic depression, I claim that the proposed Bill will be better than the present Act.

Mr. Sarat Kumar Roy has also referred to the acreage rate and has stated that it is something new. Perhaps he was not here when I dealt with this point. I will draw his attention to what the Committee, which was appointed in 1870 to specifically consider the matter, said. This is what they said:—

"As to the acreage, we have no detailed information whatever, nor are there any other means of obtaining it than by making a detailed survey for the purpose of local taxation. Such a work would occupy 20 years and the statistics collected would probably have become useless by the time the survey was completed."

That was the difficulty they pointed out about acreage; but in spite of that, they did provisionally agree upon an acreage rate, and to this matter I referred in my speech yesterday. When the matter came up before the Council, the mover (the Hon'ble Mr. Schalch)—said that it was with reference to the case of Chittagong and adjoining districts that he proposed to give the Collector the option of valuing estates on the acreage, because both in Chittagong as well as in Sylhet and Cachar which were the only three districts in which these numerous small tenures were held, all the estates had been surveyed, and there would be no difficulty in making the valuation on the acreage; the quality of the land was also nearly the same in all the estates and was pretty well known. He thought, therefore, that the case of Chittagong and similar districts was quite met by the provision for the valuation by acreage.

(At this stage the Hon'ble Member reached the time limit, but was allowed to proceed.)

I have drawn your attention, Sir, to sections 27 and 28 of the existing Act under which the acreage rate is already in operation. Mr. Roy is not, therefore, quite right in saying that acreage rate is a new thing, as it is already in the existing Act.

Sir, I am not touching on every point but some of the more important points which have been mentioned by the speakers this afternoon. (KHAN BAHADUR NAWAB MUSHARRUF HOSAIN: What about forests?) I am coming to it, and the Nawab Sahib need not worry.

Babu Khetter Mohan Ray amongst other things referred to the maximum limit. I have already dealt with this point. At the same time, he seemed to favour some of the provisions of the Bill, and as far as I could gather he was not opposed to the motion for referring the Bill to a Select Committee. He has referred to the maximum. What about the rate of Rs. 24 per acre in Khulna, Rs. 8 per acre in

Pabna. Surely, one-fifth can never reach this high figure. While admitting that the method of assessment is equitable, Maulvi Tamizuddin has expressed the fear that the cess payable by an occupancy *raiyat* would be too high. That is a matter for the Select Committee to consider. The Select Committee must have materials before it, showing what would be the result of one-fifth maximum and what would be the result of other factors mentioned in section 107D. Therefore, that argument should not stand in the way of referring the Bill to a Select Committee.

Rai Bahadur Keshab Chandra Banerji stressed the point that tenants and landlords should be consulted. I may tell the Rai Bahadur that they have already been consulted and, if necessary, others will be consulted. Either the Rai Bahadur or some other member referred to the rates of Howrah. The Howrah rates are very high, because Howrah is one of the districts which has the largest density in population in the province. This and other reasons show that you cannot have the same maximum as the only factor which will be suitable to every district in Bengal.

Then, my friend, Dr. Naresh Chandra Sen Gupta, has suggested that an Expert Committee should be appointed by Government. I may tell him that although Government did not proclaim the appointment of an Expert Committee, Government had been working with an Expert Committee. If Dr Sen Gupta would kindly name some non-official gentlemen who has detailed practical knowledge and not merely theoretical knowledge derived from books certainly the Revenue Department would only be too pleased to consult those gentlemen.

Then, Nawab Musharruff Hosain has reminded me of the forests (MR. NARENDRA KUMAR BASU: What of the wild animals stalking in the forests?) About the forests, I may tell the Nawab Sahib that ordinary forests will not be suitable for the acreage rate. Speaking, subject to further investigation, I find that the total income from forest proper (*gajari*) is less than Rs. 20 thousand. There are other classes of forests which may be quite outside it. Most of these *gajari* forests are in Mymensingh and Dacca. The class of forests which the Nawab Sahib has in view is the forest in the neighbourhood of Jalpaiguri owned by a friend of his who is a member of this House. He thinks it is a forest which yields a considerable profit and the acreage rate may not prove unsuitable to it. That is, however, a matter which we are prepared to consider in the Select Committee. But, as I have said, you cannot have an acreage rate and apply it to a forest where perhaps the income is something like 4 annas or 6 annas or even a rupee per acre.

Sir, I have dealt with most of the points raised, and I would appeal to the House to allow the Bill to be referred to a Select Committee, because it will still be open to them to go into the matter on important

questions of detail. If the House would not do so, then there would be great delay and the present Act would continue in operation for a much longer time than many would like it to do.

Babu Kishori Mohan Chaudhuri's motion that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th September, 1933, was then put and lost.

Mr. PRESIDENT: I shall now take up the motions relating to the personnel of the Select Committee.

Mr. P. BANERJI: Sir, I beg to move that after the name of Mr. W. H. Thompson the following name be inserted, namely:—

Maulvi Syed Majid Baksh.

The motion was put and lost.

Babu KHETTER MOHAN RAY: Sir, I beg to move that after the name of Mr. W. H. Thompson the following names be inserted, namely:—

Mr. Ananda Mohan Poddar, and

Babu Khetter Mohan Ray.

On the motion being put, a division was taken with the following result:—

AYES.

Banerji, Mr. P.
Poddar, Mr. Ananda Mohan.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Roy, Mr. Sarat Kumar.

NOES.

Ali, Maulvi Syed Ramzan.
Baksh, Maulvi Shaik Rahim.
Barma, Rai Sahib Panchanan.
Basu, Mr. Narendra Kumar.
Birkmyre, Mr. H.
Bethomley, Mr. J. M.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Allimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafiar Rahman.
Chowdhury, Haji Badi Ahmed.
Dain, Mr. G. R.
Faroqui, the Hon'ble Nawab K. G. M.
Fazeem, Mr. L. R.
Ghaznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdulkarim.
Gilchrist, Mr. R. N.
Gladding, Mr. B.
Gupta, Rai Bahadur Mahendra Nath.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Kinderslay, Mr. J. B.
Miller, the Hon'ble Sir Provash Chunder.
Miller, Mr. S. G.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. W. H.
Nicholl, Mr. G. K.
Philpot, Mr. H. G. V.
Prentice, the Hon'ble Sir William.
Quasem, Maulvi Abul.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Ray, Babu Nagendra Narayan.
Roy, the Hon'ble Sir Bijoy Prasad Singh.

Roy, Mr. S. N.
Sarkar, Rai Sahib Sohati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. S. R.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sulaiman, Maulvi Muhammad.
Steven, Mr. J. W. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. W. A. M.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 6, and the Noes 52, the motion was lost.

The original motion of the Hon'ble Sir Provash Chunder Mitter that "the said Bill be referred to a Select Committee consisting of—

(1) Mr. W. H. Nelson,
(2) Mr. H. C. V. Philpot,
(3) Mr. J. B. Kindersley,
(4) Rai Bahadur Mahendra Nath Gupta,
(5) Mr. A. K. Fazl-ul Huq,
(6) Khan Bahadur Muhammad Abdul Momin,
(7) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,
(8) Maulvi Tamizuddin Khan,
(9) Mr. Razaur Rahman Khan,
(10) Khan Bahadur Maulvi Azizul Haque,
(11) Mr. Narendra Kumar Basu,
(12) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(13) Mr. Sarat Kumar Roy,
(14) Babu Sarat Chandra Mittra,
(15) Babu Satish Chandra Ray Chowdhury,
(16) Rai Sahib Panchanan Barma, M.B.E.,
(17) Mr. Mukunda Behary Mullick,
(18) Mr. Saileswar Singh Roy,
(19) Mr. W. H. Thompson, and
(20) the mover,

with instruction to submit their report, as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five" was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 22nd August, 1933, at the Council House, Calcutta.

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Index to the
Bengal Legislative Council Proceedings.
(Official Report.)

Vol. XLII—No. 1—Forty-second Session.

8th to 11th and 14th to 16th August, 1933.

Adjournment : 74, 132, 184, 223, 262, 327, 379.

Arambagh (Hooghly)

Survey and settlement operations at : (Q.) 274-75.

Attendance : 13, 75, 133, 185, 224, 263, 328.

Bankura

Supply of electric power to the town of : (Q.) 82-84.

Bengal Government Press

Introduction of the Provident Fund in the : (Q.) 27-28.

Bengal Legislative Council Election : (Q.) 269-270.

Benoyendra Nath Chaudhuri

Detenu : (Q.) 281-282.

Bhairab Scheme No. 11 : (Q.) 30-32.

Bill(s) (Government) : 85-132, 142-164, 282-327, 337-379.

Bengal Cess (Amendment) 1933 : 321-327, 337-379.

Motion for reference to a Select Committee : agreed to : 321, 379.

Bengal Places of Public Amusements, 1933 : 157-164.

Introduction and reference to a Select Committee : agreed to : 157, 164.

Bill(s) (Government) : 85-132, 142-164, 282-327, 337-379.

Bengal Waterways, 1933 : 282-321.

Introduction and reference to a Select Committee : agreed to : 282, 283, 321.

Calcutta Municipal (Amendment), 1933 : 85-132, 142-146.

Motion for reference to a Select Committee : agreed to : 85, 146.

Presidency Small Cause Court (Bengal Amendment), 1933 : 146-156.

Introduced : 146.

Motion for reference to a Select Committee : rejected to : 156.

Amendment to the motion for circulation for opinion : agreed to : 156.

Bill(s) (Non-official) : 230-262.

Bengal Money-lenders, 1933.

Select Committee Report presented : 230.

Bengal Wakfs, 1932.

Select Committee Report presented : 230.

Bengal Tenants' Protection from Usury, 1932 : 230-231.

Reference to a Select Committee postponed : 231.

Bengal Municipal (Amendment), 1933 : 231-233.

Motion for reference to a Select Committee : withdrawn : 233.

Bengal Village Self-Government (Amendment), 1933 : 234-237.

Gratis.

Bill(s) (Non-official): 230-262.

Motion for reference to a Select Committee : lost : 237.

Bengal Embankment (Amendment), 1933 : 238-239.

Introduced : 238.

Motion for reference of the—to a Select Committee : agreed to : 239.

Bengal Tenancy (Amendment), 1932 : 240-248.

Leave to introduce : agreed to : 240.

Leave to be taken into consideration : lost 248.

Motion for reference to a Select Committee : lost : 248.

Estates Partition Act, 1897 (Amendment), 1933 : 248-249.

Leave to introduce : agreed to : 248.

Circulation for opinion : agreed to : 249.

Bengal State Lotteries, 1933 : 250-260.

Leave to introduce : agreed to : 250.

Motion for circulation for opinion : agreed to : 260.

Calcutta Municipal (Amendment), 1933 : 260-262.

Introduction for further amendment of the—agreed to : 260.

Motion for circulation : agreed to : 262.

Bus service : (Q.) 266-267.

Calcutta Corporation : (Q.) 26-27.

Calcutta Port Trust

Retrenchment in the : (Q.) 335-337.

Certain stations on Rajbari-Faridpur Branch Railway : 333-334.

Chittagong

Assets of Noabad *taluks* in *khas mahals* in : (Q.) 80-82.

Noabad *taluk* : (Q.) 77-79.

Civil Courts

Abolition of—in certain districts : (Q.) 79-80.

Corruption amongst ministerial officers of : (Q.) 330-331.

Defects of the disposed of records of the—of Noakhali : (Q.) 25.

Ministerial appointment in the—of Hooghly : (Q.) 30.

Concession rates for conveyance of bulls, cows, etc., by Railways to Bengal : (Q.) 21.

Cox's Bazar Dispensary : (Q.) 76-77.

Dacca

Electric supply in : (Q.) 226-227.

Depressed classes

Appointment of Sub-Inspectors from : 272-274.

Division(s)

Calcutta Municipal (Amendment) Bill, 1933.

Circulation for opinion (lost 17 to 84) : 131-132.

Substitution of the words and figures "as soon as possible" for the words and figures "by the 16th August, 1933" (lost 14 to 68) : 145.

Bengal Cess (Amendment) Bill, 1933.

Insertion of certain names in the personnel of the Select Committee (lost 6 to 62) : 379.

Resolutions

Insertion of certain words in the motion regarding employment of Bengalees or men domiciled in Bengal (lost 23 to 37) : 68, 172.

Constitution of a Joint Advisory Committee regarding medical relief in Calcutta (lost 11 to 67) : 216.

Revision of rules for granting pensions to officers in the inferior service (lost 12 to 39) : 223.

Dum Dum Special Jail : (Q.) 28-29.

Health Circles in Tippera : (Q.) 276-277.

Honorary Sheriffs : 19.

Indian National Congress : (Q.) 135-139.

Jhikargacha

Sluice gate at : (Q.) 32-33.

Judicial Branch of the Provincial Civil Service

Appointment by the High Court to the : (Q.) 23-24.

Juma prayers

Suspension of Court work on Fridays For : (Q.) 268-269.

Jute tax : (Q.) 20

Katakhali Khal re-excavation project : (Q.) 16-18.

Kharagpur Railway Station platforms : (Q.) 334-335.

Loan Offices : (Q.) 140.

Lottery tickets : (Q.) 277-279.

Midnapore Central Jail

Hunger strike of the female prisoners in the : (Q.) 271-272.

Midnapore

Moslem police officers at : (Q.) 227-229.

Motor buses

In Calcutta : (Q.) 264.

—On 'Falta' and Diamond Harbour routes : (Q.) 24-25.

Nilphamari subdivision : (Q.) 26.

Noakhali

Headquarters of the district of : (Q.) 328-330.

Ministerial service in the office of the District Judge of : (Q.) 332-333.

Oath of Affirmation : 13.

Obituary references : 14-15

Sir Sayyid Muhammad Fakhr-ud-din.

Mr. J. M. Ross.

Mr. J. M. Sen Gupta.

Official Assignee : 20-21.

Panel of Chairmen : 14.

P. R. T. in Jail Code : (Q.) 224-256.

Questions and answers : 16-36, 76-84, 133-140, 185-186, 224-229, 263-282, 328-337.

Rangram Bridge Scheme : (Q.) 133-34.

Rent sale notices

Publication of : (Q.) 280-281.

Resolution(s)

Motion(s) for—

The appointment of a Committee to solve the unemployment problem : withdrawn : 37-64.

The employment of Bengalees or men domiciled in Bengal : agreed to : 64-74, 165-173.

The constitution of a Committee of Experts to investigate the causes which are responsible for the perennial abnormal flood in Rangpur and other districts : lost : 173-184.

The framing of rules with regard to revenue assessment of the temporarily settled estates in Bengal : withdrawn : 187-193.

Resolution(s)

The issue of a circular to all district authorities to advertise in the local newspapers all vacancies in the ministerial services: withdrawn: 193-196.

The constitution of a Joint Advisory Committee regarding medical relief in Calcutta: lost: 196-215.

The increase of the number of Commissioners of the Narayangunge Municipality from 12 to 21: withdrawn: 216-220.

The improvement of the economic conditions of the province: fell through for want of a quorum: 223.

Retrenchment Committee

Savings recommended by the: (Q.) 36-37.

Report: 30.

Rojapur-Ramchandrapur Railway Project: (Q.) 134.

Sheristadars

District Judges: (Q.) 268.

Srichanda Khal: (Q.) 18-19.

Tarakeshwar

Constitution of a separate union board at: (Q.) 29.

Population of—and adjoining villages (Q.) 33-36.

Tepakhola steamer station

Waiting room: (Q.) 269.

Traffic Police

Control of tramway and bus traffic by the: (Q.) 263-264.

24-Parganas

Typists and copyists in the Court of the District Judge: 282.

Ali, Maulvi Hassan

Bengal Legislative Council election: (S.Q.) 270.

Dum Dum Jail: (Q.) 28.

Lottery tickets: (Q.) 277: 278.

Nilphamari subdivision: (Q.) 26.

P. R. T. in Jail Code: (Q.) 224: (S. Q.) 225.

Sheristadars (District Judges): (Q.) 280.

Armstrong, Mr. W. L.

Bill, Bengal State Lotteries, 1933: 259-260.

Baksh, Maulvi Syed Majid

Arambagh (Hooghly)

Survey and settlement operations at: (S. Q.) 275.

Bengalees or men domiciled in Bengal.

Employment of: 69.

Bill(s)—

Bengal Tenants' Protection from Usury, 1932: 230, 231.

Bengal Tenancy (Amendment), 1933: 240-241, 244, 245-248.

Calcutta Municipal (Amendment), 1933: 88.

Presidency Small Cause Court (Amendment), 1933: 150.

Bhairab Scheme No. II: (Q.) 30: (S. Q.) 31.

Calcutta Port Trust

Retrenchment in the: (S. Q.) 336.

Chittagong

Assets of Noabad *taluks* in *khas mahals*: (S. Q.) 82.

Noabad *taluk* (Chola Sanua): (S. Q.) 78.

Civil Courts

Abolition of—in certain districts: (S. Q.) 80.

Baksh, Maulvi Syed Majid

Civil Court

Defects of the disposed of records of the Noakhali : (S. Q.) 25.

Cox's Bazar Dispensary : (S. Q.) 77.

Dum Dum Special Jail : (S. Q.) 29.

Flood in Rangpur and other districts : 177-178, 179.

Indian National Congress : (S. Q.) 139.

Jhikargacha Sluice gate : (Q.) 32.

Juma prayers : suspension of Court work on Fridays : (S. Q.) 268.

Katakhali Khal re-excavation project : (S. Q.) 17.

Motor buses on Falta and Diamond Harbour routes : (S. Q.) 25

Motor vehicles tax : (S. Q.) 141

Noakhali district

Headquarters of the (S. Q.) 329.

Rajapur-Ramchandrapur Railway Project : (S. Q.) 134.

Rangram Bridge scheme : (S. Q.) 134.

Revised rules for granting pensions : 220-221.

Sheristadar

District Judge, 24-Parganas : (Q.) 186

Bal, Rai Sahib Sarat Chandra

Vacancies in the ministerial services: 193-195, 196.

Banerji, Rai Bahadur Keshab Chandra

Bill(s)—

Bengal Cess (Amendment), 1933 : 353-354.

Bengal State Lotteries, 1933 : 257-258.

Bengal Waterways, 1933 : 298-299, 320.

Bus service : (S. Q.) 267.

Dacca

Electric current supply in : (S. Q.) 227.

Depressed classes

Appointment of sub-inspectors from : 274.

Honorary Sheriffs : (S. Q.) 19.

Banerji, Rai Bahadur Keshab Chandra

Lottery tickets : (S. Q.) 278.

Motor buses in Calcutta : (S. Q.) 266.

Motor vehicles tax : (S. Q.) 23.

Tepakhola Steamer Station waiting room : (S. Q.) 269.

Unemployment problem : 45-48.

Banerji, Mr. P.

Bengalees or men domiciled in Bengal. Appointment of : 169.

Bill(s)

Bengal Cess (Amendment) : 369, 370, 378

Bengal Places of Public Amusements, 1933 : 161 162

Bengal State Lotteries, 1933 : 250-254.

Calcutta Municipal (Amendment), 1933 : 105 110, 260 261.

Bengal Waterways, 1933 : 314-316.

Bus service : (Q.) 266 ; (S. Q.) 267.

Civil Courts : corruption amongst ministerial officers in . (S. Q.) 331.

Flood in Rangpur and other districts : 176, 177.

Katakhali Khal re-excavation project : (Q.) 16 ; (S. Q.) 17-18.

Indian National Congress : (S. Q.) 137-138.

Lottery tickets : (S. Q.) 279.

Medical, Relief in Calcutta.

Srichanda Khal : (Q.) 18 ; (S. Q.) 19.

Unemployment problem : 50-61.

Barma, Rai Sahib Panchanan

Flood in Rangpur and other districts : 178-179.

Basu, Mr. Narendra Kumar

Bill(s)—

Bengal Tenancy (Amendment), 1933 : 240, 247.

Bengal Cess (Amendment) : 363.

Bengal Embankment (Amendment), 1933 : 228, 229.

Basu, Mr. Narendra Kumar

Calcutta Municipal (Amendment), 1933: 88-91, 102, 115-120, 121, 122, 127 129, 130, 143.

Bengal Waterways, 1933 : 299-301.

Midnapore Central Jail Hunger Strike of the female prisoners in the

Dacca

Electric current supply in : (S. Q.) 227.

Calcutta Port Trust : retrenchment in the : (S. Q.) 336.

Indian National Congress : (S. Q.) 138-139.

Employment of Bengalees in Bengal.

Bose, Mr. S. M.

Honorary Sheriffs : (Q.) 19.

Judicial Branch of the Provincial Civil Service.

Appointment by the High Court to the : (Q.) 23-24.

Jute tax : (Q.) 20.

Motor buses in Calcutta : (Q.) 264-265.

Motor buses on Falta and Diamond Harbour routes : (Q.) 24.

Motor vehicles tax : (S. Q.) 141.

Official Assignee : (Q.) 20.

Burai, Rai Bahadur Gokul Chand

Bengal Government Press.

Introduction of Provident Fund : (Q.) 27-29.

Chaudhuri, Babu Kishori Mohan

Babu Benoyendra Nath Ray Chaudhury (Detenu) : 281.

Bill(s)—

Bengal Cess (Amendment), 1933 : 343-344.

Bengal Village Self-Government (Amendment), 1933 : 234-235, 236-237.

Calcutta Municipal (Amendment), 1933 : 129.

Chaudhuri, Babu Kishori Mohan

Estates Partition Act, 1897 (Amendment), 1933 : 248-249.

Concession rates for conveyance of bulls, cows, etc., by railways to Bengal (Q.) 21.

Flood in Rangpur and other districts 180-181.

Medical Relief in Calcutta : 207-208.

Chowdhury, Haji Badi Ahmed

Chittagong

Assets of Noabad *taluks* in *khas mahals* in : (Q.) 80.

Noabad *taluk* (Chola Sanua) in : (Q.): 77-78 ; (S. Q.) 79.

Chaudhury, Maulvi Nural Absar

Calcutta Port Trust : retrenchment in the : (Q.) 335-336.

Das, Rai Bahadur Kamini Kumar

Cox's Bazar Dispensary : (Q.) 76-77.

Dacca : electric current supply in : (Q.) 226.

Das, Rai Bahadur Satyendra Kumar

Bill(s)—

Bengal Municipal (Amendment), 1933 : 231-233.

Bengal Waterways, 1933 : 292-293, 320.

Motor vehicles tax : (Q.) 135.

Unemployment problem : 48-49.

Economic condition of the province : 223.

Dutt, Rai Bahadur Dr. Haridhan

Bengalees in Bengal : employment of : 70-71.

Bill(s)—

Calcutta Municipal (Amendment), 1933 : 119-120.

Presidency Small Cause Court (Bengal Amendment), 1933 : 154, 155.

Dutta, Rai Bahadur Dr. Haridhan

Medical Relief in Calcutta : 196-200, 210-211, 213-214.

Eusufji, Maulvi Nur Rahman Khan

District Judge's sheristadars : 268.

Midnapore : Moslem police officers at : (Q.) 227-228.

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur

Noakhali district : Headquarters of : 328-330.

Unemployment problem : 62-64.

Ghose, Dr. Amulya Ratan

Medical relief in Calcutta : 204-205

Ghuznavi, the Hon'ble Alhadj Nawab Bahadur Sir Abdelkerim, of Dildar

Bhairab Scheme No. II : 31-32.

Bill, Bengal Waterways, 1933

Leave to introduce : 282.

Reference of to a Select Committee : agreed to : 321.

Jhikargacha

Sluice gate at : 32-33.

Katakhali Khal : re-excavation project : 16-18.

Srichanda Khal : 18-19.

Tarakeswar and adjoining village : population of : 33-36.

Guha, Babu Profulla Kumar

Survey and settlement operations at Arambagh, Hooghly : (Q.) 274-276.

Guha, Mr. P. N.

Bengalees or men domiciled in Bengal : appointment of : 167-168, 171.

Bill(s)—

Bengal Tenancy (Amendment), 1932 : 241-242.

Bengal Waterways, 1933 : 311-314.

Motor Vehicles Tax : (S. Q.) 22.

Unemployment problem : 43-45.

Hakim, Maulvi Abdul

Bengal Legislative Council Election : (Q.) 269-270.

Haque, Khan Bahadur Maulvi Azizul

Bengalees in Bengal : employment of : 65.

Bengal Legislative Council : (S. Q.) 270.

Bhairab Scheme No. II : (S. Q.) 31-32.

Bill(s)

Bengal Cess (Amendment) : 354-356, 357-58.

Bengal Waterways, 1933 : 293-296, 317.

Calcutta Municipal (Amendment), 1933 : 106, 124-126.

Calcutta Corporation : (S. Q.) 27.

Health circles in Tippera : (S. Q.) 277.

Katakhali Khal re-excavation project : (S. Q.) 17

Loan offices : (S. Q.) 140.

Midnapore

Moslem police officers at : (S. Q.) 229.

Motor vehicles tax : (S. Q.) 22 23.

Sheristadar, District Judge, 24-Parganas : (S. Q.) 186.

Unemployment problem . 61 62.

Haque, Kazi Emdadul

Bill, Bengal Tenancy (Amendment), 1933 : 242.

Flood in Rangpur and other districts : 173-175.

Sheristadar, District Judge, Hooghly : (Q.) 185.

Hossain, Nawab Musharraf, Khan Bahadur

Bengalees or men domiciled in Bengal : appointment of : 171.

Bill(s)—

Bengal Cess (Amendment) : 361-365.

Bengal Waterways, 1933 : 308-309.

Calcutta Corporation : (Q.) 26.

Rules regarding revenue assessment : 189-190.

Unemployment problem : 50-53.

Hossain, Maulvi Muhammad

Juma prayers (suspension of Court work on Fridays): (Q.) 268.

Huq, Mr. A. K. Fazl-ul

Bill, Calcutta Municipal (Amendment), 1933: 102-105.

Karim, Maulvi Abdul

Midnapore

Moslem police officers at: (S. Q.) 229.

Khan, Maulvi Tamizuddin

Bengal Legislative Council Election: (S. Q.) 271-272.

Bill, Bengal Cess (Amendment): 351-353.

Calcutta Port Trust: retrenchment in the: (S. Q.) 336.

Maguire, Mr. L. T.

Bill, Presidency Small Cause Court (Bengal Amendment), 1933: 151-152.

Malti, Mr. R.

Indian National Congress: (Q.) 135-136.

Kharagpur Railway Station platforms: (Q.) 334; (S. Q.) 335.

Midnapore Central Jail: hunger strike of the female prisoners in the: (Q.) 271; (S. Q.) 272.

Mitter, C. C.

Bill, Calcutta Municipal (Amendment), 1933: 111-113.

Mitter, the Hon'ble Sir Provash Chunder

Arambagh

Survey and settlement operations at: 275.

Mitter, the Hon'ble Sir Provash Chunder

Bill(s)—

Bengal Cess (Amendment), 1933.
Introduced: 321.

Motion for reference to a Select Committee: agreed to: 321-327, 337-342, 343, 352, 358, 363, 364, 369, 371-378.

Bengal Tenancy (Amendment), 1932: 243-245, 246, 249.

Chittagong

Noabad *taluk*: 78-79, 80-82.

Circulation of certain papers by the Mayor of Calcutta: 75.

Dum Dum Special Jail: 29.

Midnapore Central Jail: hunger strike of the female prisoners: 271-272.

P. R. T. in Jail Code: 224-225.

Rent sale notices: 281.

Revenue assessment: rules relating to: 190-193, 195-196.

Momin, Khan Bahadur Muhammad Abdul

Bill(s)—

Bengal Cess (Amendment): 365-369.

Bengal Waterways, 1933: 304, 305, 309-311.

Calcutta Municipal (Amendment), 1933: 106, 126-128, 129.

Calcutta Corporation: (S. Q.) 26.

Chittagong

Noabad *taluk*: (S. Q.) 78, 81.

Cox's Bazar Dispensary: (S. Q.) 77.

Unemployment problem: 56-57.

Mukherji, Rai Bahadur Satish Chandra

Motor vehicles tax: (Q.) 141.

Retrenchment Committee's Report: (Q.) 30.

Mullick, Mr. Mukunda Behary

Bengal Government Press: Provident Fund: (Q.) 84.

Civil Courts: abolition of—in certain districts: (Q.) 79.

Mallick, Mr. Mukunda Behary

Depressed classes: appointment of Sub-Inspectors from (Q.) 272; (S. Q.) 273-274.

Nag, Reverend B. A.

Bill, Bengal Places of Public Amusements, 1933: 161.

Calcutta Corporation: 115.

Nag, Babu Sak Lal

Rent sale notices: (Q.) 280-281.

Poddar, Mr. Ananda Mohan

Bill, Presidency Small Cause Court (Amendment), 1933: 156.

Narayangunge Municipality: 216-218.

Unemployment problem: 37-43, 56, 64.

Prentice, the Hon'ble Sir William

Babu Benoyendra Nath Ray Chaudhury (Detenu): 281-282.

Bengalees and men domiciled in Bengal: appointment of: 169-171, 172.

Bengal Legislative Council election: 270.

Bill(s)—

Bengal Money-lenders, 1933 (Non-official).

Select Committee Report presented: 230.

Bengal Places of Public Amusements, 1933.

Introduced: 157.

Motion made for reference to a Select Committee: agreed to: 157-158, 160, 162-163, 164.

Presidency Small Cause Court (Amendment), 1933.

Introduction and reference of the—to a Select Committee: failed: 146-147, 150, 155-156.

Motion made by Munindra Deb Rai Mahasai to circulate for eliciting opinion: agreed to: 156.

Bus service: 266-267.

Prentice, the Hon'ble Sir William

Civil Courts—

Abolition of—in certain districts: 79-80.

Appointment of depressed class people in the—of Noakhali: 225-226.

Corruption amongst the ministerial officers of: 331.

Defects of the disposed of records of Noakhali: 25.

Ministerial appointments in the—of Hooghly: 30.

Depressed classes: appointment of Sub-Inspectors from: 273-274.

Honorary Sheriffs: 19.

Indian National Congress: 136-139.

Judicial Branch of the Provincial Civil Service: appointment by the High Court: 24.

Lottery tickets: 278-279-266.

Midnapore

Moslem police officers at: 228-229.

Ministerial service in the office of the District Judge of Noakhali: 332-333.

Motor buses

In Calcutta: 265-66.

On Falta and Diamond Harbour route: 24-25.

Nilphamari subdivision: 26.

Official Assignee: 20-21

Sheristadars (District Judges): 268, 280.

Sheristadar, District Judge, Hooghly: 186.

Sheristadar, District Judge, 24-Parganas: 264.

Tramway Company, Calcutta: control of: 264.

President (The Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri, Kt., of Santosh)

A member, rising on a point of order, should be given a hearing in legitimate matters: 50.

In developing an argument no member shall be permitted to attempt a veiled attack upon an individual: 68-70.

President (the Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri, Kt., of Santosh)

President has full discretion in permitting papers sent by a non-member to be circulated to the members of the House, for eliciting public opinion, provided there is nothing indecent, objectionable or seditious in them; but the Government Member-in-charge of the matter under discussion need not refer to any points in it unless raised on the floor of the House by any member: 75-76.

A member should not lower the level of the debate by indulging in personalities or unparliamentary expressions: 106-107.

An amendment should be treated as a motion: 129.

A member may not criticise an answer; if not satisfied, he may put further supplementary questions 137.

In dealing with a motion either to refer a Bill to a Select Committee or to circulate it for the purpose of eliciting opinion, a member can discuss the principles underlying the Bill and only such details as may be necessary to explain the principles: 150.

Consent of members to serve on a Select Committee essential before making a motion: 156.

A member proposing personnel of a Select Committee cannot change any of the names himself which can only be done by another member moving an amendment; 163.

If the President finds that he was wrong in awarding his verdict on guess, he can rectify his mistake by permitting a regular division through the lobby: 215.

Consent taken at a previous Session does not hold good for a motion for personnel of a Select Committee and fresh consent of the members proposed must be taken: 231.

Quasem, Maulvi Abul

Bill, Bengal Cess (Amendment): 370-71

Rahman, Mr. A. F. M. Abdur

Joint Stock Banks in Bengal: financial condition of: 140.

Rahman, Mr. A. F. M. Abdur

Retrenchment Committee: savings recommended by: (Q.) 36.

Typists and copyists in the Court of the District Judge, 24-Parganas: (Q.) 282.

Rahman, Maulvi Azizur

Tarakeswar

Constitution of a separate union board at: (Q.) 29.

Rai Mahasai, Munindra Deb

Appointment of Bengalees or men domiciled in Bengal: 171, 64-67.

Bill(s)-

Bengal Cess (Amendment), 1933: 342-343.

Bengal Embankment (Amendment), 1933: 239.

Bengal Places of Public (Amusements), 1933: 160-161.

Presidency Small Cause Court (Bengal Amendment), 1933: 148-149, 150, 151.

Tarakeswar

Constitution of a separate union board at: (S. Q.) 29.

Population of and adjoining villages: (Q.) 33; (S. Q.) 36.

Ray, Babu Amulyadhan

Civil Courts: abolition of—in certain districts: (S. Q.) 79, 86.

Retrenchment Committee: savings recommended by the: (S. Q.) 36, 37.

Ray, Babu Khetter Mohan

Bengalees or men domiciled in Bengal: appointment of: 165-167.

Bill, Bengal Cess (Amendment), 1933: 348-351, 378.

Flood in Rangpur and other districts: 175-176.

Health circles in Tippera: (Q.) 276; (S. Q.) 277.

Rajapur-Ramchandra Railway project: (Q.) 134.

Ray, Babu Nagendra Narayan

Hooghly Civil Courts : ministerial appointments in the : (Q.) 30.

Ray, Mr. Shanti Shekhareswar

Bill(s)—

Bengal Places of Public Amusements, 1933 : 158-159, 160.

Bengal Waterways, 1933 : 303-305, 306.

Calcutta Municipal (Amendment), 1933 : 88, 130.

Indian National Congress : (S. Q.) 136, 137, 139.

Lottery tickets : (S. Q.) 278, 279.

Ministerial service in the office of the District Judge, Noakhali : (S. Q.) 333.

Unemployment problem : 71-72.

Roy, the Hon'ble Sir Bijay Prasad Singh

Bill(s)—

Bengal Municipal (Amendment), 193[illegible] (Non-official) : 233, 235-2[illegible].

Calcutta Municipal (Amendment), 1933 : 85-101, 110, 118, 130-143, 144, 146.

Reference of the -to a Select Committee : agreed to.

Calcutta Municipal (Amendment), 1933 (Non-official) : 262.

Calcutta Corporation : 26-27.

Cox's Bazar Dispensary : 77.

[illegible] relief in Calcutta : 210-211, 212-213.

Motor vehicles tax : 21[illegible].

Narayangunge Municipality : 21[illegible].

Tarakeswar

Constitution of a separate union board at : 29.

Tippera

Health circles in : 276-277.

Roy, Mr. Saileswar Singh

Bill, Bengal Waterways, 1933 : 321.

Roy, Mr. Sarat Kumar

Bill(s)—

Bengal Cess (Amendment) : 344-348.

Bengal Tenancy (Amendment), 1932 (Non-official) : 242-243.

Revenue assessment : Rules regarding : 187-189.

Roy Choudhuri, Babu Hem Chandra

Bankura

Supply of electric power in the town of : 83.

Chittagong

Noabad *taluk* : (S. Q.) 79.

Civil Courts—

Corruption amongst the ministerial officers of : (Q.) 330 ; (S. Q.) 331.

Depressed class people in—Noakhali : appointment of : (Q.) 225.

Defects of the disposed of records of Noakhali : (Q.) 25.

Midnapur

Moslem police officers in : (S. Q.) 229.

Noakhali district : headquarters of : (Q.) 328 ; (S. Q.) 329-330.

Loan offices : (S. Q.) 140.

Ministerial service in the office of the District Judge of Noakhali : (Q.) 332 ; (S. Q.) 333.

Unemployment problem : 53.

Sahana, Babu Satya Kinkar

Bankura

Supply of electric power : (Q.) 82 ; (S. Q.) 83.

Samad, Maulvi Abdus

Civil Courts : abolition of : (S. Q.) 80.

Motor vehicles tax : (Q.) 21.

Rangram Bridge scheme : (Q.) 133.

Sen, Rai Sahib Akshoy Kumar

Tepakhola steamer station : Waiting room : (Q.) 269.

Certain stations on Rajbari-Faridpur Branch Railway : (Q.) 333.

Sen, Mr. B. R.

Bill, Bengal Places of Public Amusements, 1933 : 164.

Sen, Rai Bahadur Jogesh Chandra

Medical relief in Calcutta : 200-201.

Sen Gupta, Dr. Naresh Chandra

Bill(s)—

Bengal Cess (Amendment) : 358-361, 367, 373.

Bengal Places of Public Amusements, 1933 : 160.

Presidency Small Cause Court (Bengal Amendment), 1933 : 152-154.

Calcutta Municipal (Amendment), 1933 : 129.

Calcutta Port Trust : retrenchment in the : (S. Q.) 337.

Medical relief in Calcutta : 205-207.

Unemployment problem : 54-55.

Sircar, Dr. Sir Nilratan

Vacancies in the ministerial services : 201-203.

Bill, Bengal Waterways, 1933 : 306.

Thompson, Mr. W. H.

Bill(s)—

Bengal State Lotteries, 1933 : 258-59.

Bengal Waterways, 1933 : 296-97.

Townend, Mr. R. P. V.

Bill, Calcutta Municipal (Amendment), 1933 : 120, 123-24, 144.

Woodhead, the Hon'ble Mr. J. A.

Bankura

Supply of electric power to the town of : 82-84.

Bengal Government Press : introduction of Provident Fund in the : 28.

Bill, Bengal State Lotteries, 1933 : 254-257.

Calcutta Port Trust : retrenchment in the : 336-337.

Kharagpur Railway Station platforms : 335.

Loan offices : 140.

Rajbari-Faridpur Branch Railway : certain stations on : 333-334.

Tepakhola steamer station : Waiting-room : 269.

Retrenchment Committee—

Report : 30.

Savings recommended by the : 36.

Revised rules for granting pensions : 222.

B. G. Press—1934-35—1297A—550.